

CITY COUNCIL MINUTES

September 14, 2015

The Honorable Council of the City of Evansville met on regular session at 5:30 p.m. on Monday, September 14, 2015 in the City Council Chambers, Room 301 Civic Center Complex, Evansville, Indiana, with President H. Dan Adams presiding. The following business was conducted.

These minutes are not intended to be a verbatim transcript. Audio recordings of this meeting are on file in the City Clerk's Office.

President Adams: The Honorable Council of the City of Evansville is hereby called to order. Madam Clerk, please call the roll.

ROLL CALL:

Present: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Friend, Lindsey, O'Daniel, Weaver, Adams

President Adams: There being nine (9) members present, zero (0) absent, and the nine members representing a quorum, I hereby call this session of the Common Council officially be opened.

PLEDGE OF ALLEGIANCE

Tonight we're going to give, as a gesture of grace, have Russ Lloyd do the Pledge of Allegiance.

Fellow Councilmen and those in the audience, welcome to the September 14 meeting; this being the 17th meeting of the year.

Do we have any students in the audience tonight? If there are come up and we'll sign your chits at the end.

COUNCIL ATTORNEY

City (Council) Attorney is Scott Danks.

SERGEANT AT ARMS

Sergeant at Arms is Office Kirby again. Thank you, sir.

APPROVAL OF MINUTES

Is there a motion to approve the minutes of August 24th meeting for the Common Council as written?

Councilwoman Brinkerhoff-Riley: So moved.

Councilman O'Daniel: Second.

President Adams: All those in favor? Opposed? So be it.

REPORTS AND COMMUNICATIONS

IN YOUR SEPTEMBER 11TH PACKET:

- * City Council Meeting Agenda and Committee Meeting Schedule for September 14, 2015
- * Ordinances F-2015-13, F-2015-14, F-2015-15, F-2015-16, F-2015-17, F-2015-18, F-2015-19, G-2015-24, G-2015-25, G-2015-26, G-2015-27, G-2015-28 and R-2015-24
- * Resolution C-2015-13
- * July 2015 Financial Report
- * Area Plan Commission Report and Meeting Minutes dated August 13, 2015
- * ESG/CDBG/HOME CAC/Mayor's Funding Recommendations for Year 2016

EMAILED MATERIAL:

- * City Council Meeting Minutes for August 24, 2015
- * CIO Joint Budget Hearing Response to City Council
- * James Fischer Affidavit

ON YOUR DESK THIS EVENING:

- * Extended Agenda
- * Ordinance R-2015-29

President Adams: I'd like to take the opportunity to thanks Scott Danks and his office for really producing a huge amount of legislation at this meeting and the next. That's a really amazing output.

Is there a motion to receive, file and make those reports and communications a part of the minutes of the meeting?

Councilman O'Daniel: So moved.

Councilwoman Mosby: Second.

President Adams: We have a motion and a second. All those in favor? Opposed? So be it.

CONSENT AGENDA

FIRST READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2015-24

FINANCE

O'DANIEL

An Ordinance Fixing the Salaries of Every Appointive Officer, Employee, Deputy, Assistant, Departmental and Institutional Head of the City of Evansville and the Evansville - Vanderburgh County Levee Authority for the Year 2016 and Establishing Salary Administration Procedures

An Ordinance of the Common Council of the City of Evansville, Indiana Appropriating Monies for the Purpose of Defraying the Expenditures of the Evansville - Vanderburgh Levee Authority District for the Fiscal Year Beginning January 1, 2016

ORDINANCE F-2015-19**FINANCE****O'DANIEL**

An Ordinance of the Common Council of the City of Evansville Approving and Adopting the 2016 Budget for the Port Authority of Evansville

ORDINANCE R-2015-24**APC****R-1 to C-1**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, More Commonly Known as 4201 Stringtown Road

Petitioner: Old North United Methodist Church, Inc.

President Adams: Is there a motion to adopt the Consent Agenda as written?

Councilwoman Mosby: So moved.

Councilman Weaver: Second.

President Adams: We have a motion and second. All those in favor? Opposed? So be it.

SUSPENSION OF THE RULES

President Adams: Is there a motion to suspend the rules to hear Ordinance F-2015-14 on all three readings this evening?

Councilman O'Daniel: And just so everybody understands, this is the HOME money, the CDBG money, and I know that Councilwoman Robinson has indicated she would not be available on the 28th and I think she's an integral part of this and so I think in deference to her, and I know she spent a lot of time on it, finish the meeting last week and has spoken with me and several others as part of it. I would make such a motion.

President Adams: Do I have a second?

Councilwoman Brinkerhoff-Riley: Second.

President Adams: Thank you. Roll call, please.

ROLL CALL:

Aye: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Friend, Lindsey, O'Daniel, Weaver, Adams

President Adams: There being eleven (11) Ayes and zero (0) Nays, and I want to thank you all for doing that, Ordinance F-2015-14 will be heard on all three readings this evening.

Council Attorney Danks: *(Off Mic)* You said 11 ayes.

Councilwoman Mosby: *(Off Mic)* You said 11 ayes.

President Adams: Did I?

Councilwoman Mosby: Yeah.

President Adams: I'm still in Area Plan. Thank you.

Unidentified Speaker: *(Off Mic) (Inaudible)*

President Adams: Sorry, I'm still in Area Plan. Stick with me kids, anyway.

There being nine (9) Ayes...

City Clerk Windhorst: There was also a request that came in today for Ordinance F-2015-15 to be held in all three readings. I didn't know if you guys wanted to vote on that.

President Adams: What are we doing?

Councilman Lindsey: *(Off Mic)* What number is that?

Unidentified Speaker: *(Off Mic)* 15-15.

President Adams: Are we moving to the second?

Council Attorney Danks: Is that 2015-15 Laura?

Councilman Robinson: Yeah.

City Clerk Windhorst: Yes.

President Adams: You have 14?

Unidentified Speaker: *(Off Mic) (Inaudible)* today?

City Clerk Windhorst: Yes.

Councilman Robinson: Yeah.

Councilwoman Brinkerhoff-Riley: Yeah, that is a motion. It's moving a hundred thousand of CDBG into the Market Garden. It's for the Community Fresh Market. It was emailed and I'll make that motion.

Councilman Robinson: Second.

President Adams: Do we have a roll?

ROLL CALL

Present: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Friend, Lindsey, O'Daniel, Weaver, Adams

President Adams: There being nine (9) Ayes and zero (0) Nays, this passes.

CONSENT AGENDA

SECOND READING OF ZONING ORDINANCES

ORDINANCE R-2015-19

APC

R-1 & C-4 w/ UDC

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana,
More Commonly Known as 2141 E. Riverside Drive

Petitioner: Jose Rivera

This petition comes forward with a recommendation for approval with a Use & Development Commitment from the Area Plan Commission, having 8 affirmative votes, 3 opposing votes and 1 abstention.

ORDINANCE R-2015-20

APC

C-4 to R-1

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana,
More Commonly Known as 7501 Telephone Road

Petitioner: MOB, LLC

This petition comes forward with a recommendation for approval with a Use & Development from the Area Plan Commission, having 12 affirmative votes.

ORDINANCE R-2015-21

APC

C-4 to R-2

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana,
More Commonly Known as 211, 213, 217, 221, 223 and 225 Waggoner Avenue

Petitioner: Memorial Community Development Corp.

This petition comes forward with a recommendation for approval from the Area Plan Commission, having 12 affirmative votes.

President Adams: Is there a motion to adopt the Consent Agenda Second Reading of Zoning Ordinances and to accept the Area Plan Commission Report?

Councilman Friend: So moved.

Councilman Lindsey: Second.

President Adams: We have a motion and a second. All those in favor? Opposed? Council now stands at Third Reading of Zoning Ordinances, which is a final action.

REGULAR AGENDA

THIRD READING OF ZONING ORDINANCES

ORDINANCE R-2015-19

APC

R-1 to C-4 w/ UDC

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, More Commonly Known as 2141 E. Riverside Drive

Petitioner: José Rivera

José Rivera: Hello, thank you all for having me today. My name's José Rivera. I purchased 2141 E. Riverside and it's currently zoned R-1 and I'm looking forward having it rezoned to C-4 with the Use & Development paperwork.

Councilwoman Mosby: Councilmembers, I just want to add that...and I do want to talk to Area Plan as well, this property, as long I can remember, has always been a commercial piece of property. It was a gas station for the longest time. My grandparents were at Boeke and Kathleen; I drove by here every Sunday on the way to see them with my parents.

And after talking with Area Plan they've always had it zoned residential with a commercial piece of property running there so it was never zoned correctly. I know that the Eastview Neighborhood Association is in favor of this rezoning. I have had some remonstrators, in the last couple of weeks, call me with some concerns but, you know, after talking back and forth, and I do want to hear what the remonstrators have to say, but I know that José has gone in there. This is not what this piece of property used to look like. It really was a blight of the neighborhood and an eyesore. He has gone in there, removed shrubs, done all kinds of things to, you know, that's how it was looking, to beautify it and make it a nice piece of property.

And Janet?

President Adams: Any other? Sorry.

Councilwoman Mosby: Could I have Janet speak for just a minute?

APC Zoning Director Greenwell: Janet Greenwell with Area Plan.

Councilwoman Mosby: Just wanted to double check. This has never actually been zoned commercial, correct?

APC Zoning Director Greenwell: It has never been zoned commercial. It was built in 1955 and that area of the city was annexed in 1959.

Councilwoman Mosby: Okay.

APC Zoning Director Greenwell: In 1959, when it was annexed, all the preexisting commercial buildings became R-1s and became what we call Legal/Non-Conformings or be grandfathered in.

And a gas station did operate there until about 1990 I believe. There was a prior attempt to rezone it.

Councilwoman Mosby: Yes.

APC Zoning Director Greenwell: That was eventually withdrawn but in fairness, that prior rezoning was asking to zone not only the gas station but property to the east and to the south of it.

Councilwoman Mosby: Couple other parcels that were residential.

APC Zoning Director Greenwell: Parcels that were residential.

Councilwoman Mosby: Okay.

APC Zoning Director Greenwell: We still consider it a Legal/Non-Conforming but a tire shop, and the car-repair shop that tried to go in before, are considered higher uses and Legal/Non-Conforming can continue but they can only continue as equal or lesser uses so there was a need to rezone the property. Gas stations used to be allowed in a light commercial or neighborhood commercial and that kind of kicked out any other use of the building so it's been sitting vacant for a long time.

Councilwoman Mosby: Okay, thank you.

President Adams: Ma'am? Could...explain to me again why this wasn't grandfathered in 1960.

APC Zoning Director Greenwell: It was.

President Adams: 1959.

APC Zoning Director Greenwell: It was grandfathered in and it was allowed to continue to operate until it...

President Adams: I got it. Thank you.

APC Zoning Director Greenwell:...voluntarily closed.

Councilwoman Mosby: But it was always residential...

President Adams: I got it; yeah.

Councilwoman Mosby:...and not.

President Adams: Thank you. Any other comments from Council?

Councilman O'Daniel: I guess, you know, the question I have is...and it's actually the concerns that have been addressed to me from various people down Riverside and the like.

Tire shops have a way of accumulating lots and lots of tires that, you know, bring rodents and other eyesores. Where are you going to store these tires? I mean...

José Rivera: My tires...

Councilman O'Daniel:...because you know there will be.

José Rivera: Yes. My tires will be stored inside the building. If I need to have a container, I will purchase a container and have it stored in the back of the building. I was told that if I do purchase a container and have it stored in the back of the building that I would need to put up a fence around the property. No problem.

Councilman O'Daniel: So what kind of fence are we looking at? Naturally...

José Rivera: A wood fence.

Councilman O'Daniel:...I want to make sure that these things are all out of site...

José Rivera: Yeah.

Councilman O'Daniel:...out of mind.

José Rivera: Yeah. Definitely.

Councilman O'Daniel: That they're not accumulating to where...because nobody likes to dispose of tires. I think you see the one there...it's on Garvin I think.

Councilwoman Brinkerhoff-Riley: Heidelberg and Garvin.

Councilman O'Daniel: Heidelberg, yeah.

Councilwoman Brinkerhoff-Riley: I think...

Councilman O'Daniel: You know I mean, that's what I think when I think of a tire shop...

José Rivera: Yeah.

Councilman O'Daniel:...that's what I think of. I think there's another one up Riverside...

Councilwoman Mosby: Yes.

Councilman O'Daniel:...and Lodge and you just get that with Pollack and Lodge, whatever it may be.

Councilwoman Brinkerhoff-Riley: Mr. Riviera...

Councilman O'Daniel: Yes.

Councilwoman Brinkerhoff-Riley:...has not been through the site plan process yet...

Councilman O'Daniel: Right.

Councilwoman Brinkerhoff-Riley:...that would...before...this is my understanding that before you can actually open...

José Rivera: Yes.

Councilwoman Brinkerhoff-Riley:...that your parking area has to be paved.

José Rivera: Yes.

Councilwoman Brinkerhoff-Riley: You have to go through another process with APC that would determine what was appropriate fencing.

Councilman O'Daniel: Sure.

Councilwoman Brinkerhoff-Riley: You know, what kind of porous, you know, his...I think even your landscaping plan. All of that is yet to come.

Councilman O'Daniel: Well I think I say that knowing the answer...

Speaking Simultaneously

Councilwoman Brinkerhoff-Riley: But I agree with you.

Councilman O'Daniel: because, you know, this obviously is not...look, this'll never be a residential property. We know that, right?

José Rivera: Yes.

Councilman O'Daniel: And so the question is, you know, are we okay with a tire shop in there? Maybe not particularly but there's another layer of...called bureaucracy that you have to go through before anything like that can open.

Councilwoman Mosby: And I agree with you, Councilman O'Daniel, there's been a little bit of a scare due to the fact that there's been some other tire companies...tire stores around that...that haven't been very reputable.

José Rivera: Well the only good thing that I have to say about myself is that I live in the community where I'm trying to open up the business and from what the building used to look like to what it looks like now was just a sign and a reassurance to the rest of the community of what it's going to look like. I don't want to have a run-down building. That's not how I, you know, want to present myself at all. And so to have...to get this rezoned, to open the business, and then to run it down is...that's not what I want to do, you know, it's far from what I want to do. I want to be able to have my kids working there, give teenagers jobs for the summer; that's my goal there and to have it run down is...it's not going to happen so...

And I spoke to all of the neighbors that are within, you know, the abiding of that building there and they were all for it and now I don't know what's going on. They, you know, got some people stirred up and so...and I'm pretty sure there here and you guys are going to hear from 'em so...

President Adams: Mr. Rivera?

José Rivera: The other tire shops are not my concern. This is my concern (*Inaudible*).

President Adams: In the Area Plan meeting you were very eloquent in terms of telling us what you were going to do with your tires. If I remember correctly, the tires will, during the day, will be out for display to be used...

José Rivera: Yes.

President Adams:...but at night they'll all...the new tires will go into the building itself for storage so they will not...

José Rivera: All of the tires (*Inaudible*).

President Adams:...be any new tires on the outside and if I'm correct here this area in the back, this bin and so forth, that will be the repository for your...for used tires.

José Rivera: No.

President Adams: Where...what will you do with the used tires?

José Rivera: They will be, as well, stored inside. There's racks that I built inside of the shop right now. That building right now can hold 1,700 tires.

President Adams: Well with success that I wish you, eventually you're going to need some more space. What are you going to do with the used tires when you get...

José Rivera: That's what I just said. I can put a container, a 54 foot container, in the back of the building and I can store...

Speaking Simultaneously

President Adams: Got cha. And will that be able to be...

José Rivera: Yes. Yes, sir.

President Adams: Will that...it's sort of a dumpster type of.

José Rivera: No. With the used tires, if you cut the used tire in three pieces, that's considered trash so a dumpster would be sitting on the side of a building, fenced in, and a truck would come...

President Adams: Yeah.

José Rivera: You know, like a regular commercial property.

President Adams: Got it...got it. Any other questions please?

Councilman Friend: I have a question. If you're going to store all these things inside the building, I mean, what about the fire start because I know that, in the past, this brings on a fire safety problem.

José Rivera: Uh-hm.

Councilman Friend: Those tires, man are...when you get 'em going they go.

José Rivera: Yes. I *(Inaudible)*.

Councilman Friend: What...what kind of provision...what kind of mechanism you have to hold that back.

José Rivera: There's no sprinkler system that is recommended. There's no...I contacted the Chief of the Fire Department...

Councilman Friend: Okay.

José Rivera:...and I wanted to get a fire plan for the building in regards to the tires and they told me that I just needed to add my smoke alarms and fire extinguishers. That was it.

Councilman Friend: So you didn't have any problem by having 'em too close to the ceiling or whatever else?

José Rivera: No, no sir. No sir.

Councilman Friend: Okay.

José Rivera: And that's an 18 foot ceiling.

Councilwoman Brinkerhoff-Riley: I've got a question. I'm sorry; excuse me. And I butchered your name; I apologize for that.

So I think there's a difference though. You're going to sell new and used tires.

José Rivera: Yes, ma'am.

Councilwoman Brinkerhoff-Riley: And so tires that are being discarded...

José Rivera: Yes.

Councilwoman Brinkerhoff-Riley:...meaning that they no longer qualify as the quality even for used. That's what's going to be what you cut into the three pieces...

José Rivera: Yes.

Councilwoman Brinkerhoff-Riley:...and deposit in you dumpster.

José Rivera: Yes, ma'am.

Councilwoman Brinkerhoff-Riley: So only if your need for stock exceeds what fits inside your building will you put in this storage container. But those won't be tires you're throwing away; those will be product that you're going to put out.

José Rivera: Yes.

Councilwoman Brinkerhoff-Riley: Okay. I had one more question. Does this...I know you're buying this on contract.

José Rivera: Yes.

Councilwoman Brinkerhoff-Riley: Okay, do you...did you have any environmental...

José Rivera: Yes.

Councilwoman Brinkerhoff-Riley:...studies done? Are there tanks underground at this location?

José Rivera: There's one tank.

Councilwoman Brinkerhoff-Riley: Okay.

José Rivera: And the one tank that is there, I contacted the Underground Tank Management Services. His name is Matt Hills. He came out twice and he stuck something down in the tank and the solution that he pulled out, in the 80s or 90s, that tank there used to be a backfill tank in case of the two tanks that were pulled out, if there was any backfill from the heat that would seep into that tank. The solution that's in the tank right now does not need to get pulled out. It's a closed-out tank.

Councilwoman Brinkerhoff-Riley: And it's your belief that the tank is not leaking.

José Rivera: Well, if the tank was leaking it wouldn't hold the solution from the 80s.

Councilwoman Brinkerhoff-Riley: Okay, do you recognize that on...when you gain title to this property you could have significant problems selling it?

José Rivera: Yes.

Councilwoman Brinkerhoff-Riley: Okay, so you're fully aware of what you're taking on when you do this.

José Rivera: And the EPA; I contacted the EPA as well and there's no red flags on the property. There was a couple a red flags from Area Zoning Planning. I've corrected those. I'm just trying to...

Councilwoman Brinkerhoff-Riley: What is your timeframe for going through the Site Plan process and actually opening the business?

José Rivera: Tomorrow.

Councilwoman Brinkerhoff-Riley: You mean you're going...if we rezone you're going to contact the APC? You're going to develop a site plan for them to review.

José Rivera: Yeah, yeah. Well I spoke to the gentleman that was here. He told me that if I don't have no storage outside, I don't need a fence.

Councilwoman Brinkerhoff-Riley: Okay.

José Rivera: So my storage would be later on. The three entrances to the property that are...is two entrances on Riverside and one on Alvord Blvd. On Alvord Blvd. I don't need to have that paved. I just need to have paved where the cars are leaving the property and entering the property for traction purposes. The whole parking lot does not need to get paved.

Councilwoman Brinkerhoff-Riley: Do you have an idea of the cost of doing the paving that you understand that you have to do?

José Rivera: Yeah. Well the whole parking lot does not have to be paved (*Inaudible*).

Councilwoman Brinkerhoff-Riley: No, no. I understand. And so you've got an idea of what you have to pave to produce your site plan. In your presentation to the APC you talked about a tree plan. Are you...is it...are you going to do some landscaping or plant some things on the property?

José Rivera: No, ma'am.

Councilwoman Brinkerhoff-Riley: I'll look back but I think...

José Rivera: Well I had a two-year plan.

Councilwoman Brinkerhoff-Riley: Okay.

José Rivera: In two years I would like to have the whole parking lot paved. I would to put a fence up. But a tree-plan, I don't...I took trees down from the property that were rotten.

Councilwoman Brinkerhoff-Riley: Seriously, I swear I read that *(Inaudible)*.

Councilwoman Mosby: He did. There were some trees on there that you had to take down, right Mr. Rivera.

José Rivera: Yes ma'am, yes, yes. And like I said, the property has not had electricity since 2006 and I had to have all of that upgraded to a commercial grade. That's what it looked like when I purchased it. That big tree right there had to come out; it was all rotted. There was no electricity. So...I mean...and I stopped putting money into the building because, you know, there's a gentleman that's here, you're going to hear from him too but he was stirring up a lot of commotion in the community and talking negative about how it's going to bring drugs and thugs into the community and so...

Councilwoman Brinkerhoff-Riley: Okay, and it does say here, "Yes, but we have a plan, a tree plan", but maybe that's a typo in transcription. You're talking about the parking lot; you'd like to either black-tar it or do pieces in the front with concrete.

José Rivera: Yes.

Councilwoman Brinkerhoff-Riley: Or black top, but all the pot holes, everything has been filled in.

José Rivera: Yes ma'am.

Councilwoman Brinkerhoff-Riley: You've already done that part, okay.

José Rivera: Yes.

Councilwoman Brinkerhoff-Riley: Alright, appreciate your time.

President Adams: Any other comments from...

Speaking Simultaneously

Councilman Friend: *(Inaudible)*...just one question. How you going to operate? Are you going to take title to this thing in your own personal name? Is that the way you're going to have it? Are you going to have it in its other type of entity like an LLC?

José Rivera: It's going to be an LLC.

Councilman Friend: Going to be LLC, okay.

President Adams: Any other questions? Okay, are there any remonstrators that would like to present their case on this? Please come up. Please join us one at a time. One at a time.

Unidentified Speaker: *(Off Mic) (Inaudible)*...jump in line here.

Bill Garrett: Good evening, my name is Bill Garrett. And Councilors, be glad to see youse guys tonight. Scott, aint see you in a while.

Council Attorney Danks: *(Off Mic)* Been a while.

Bill Garrett: Yeah it has. One of the best attorneys in Evansville. *(Laughter)*

Councilman O'Daniel: *(Off Mic) (Inaudible)*...advertising.

Bill Garrett: Alright, yeah right.

Council Attorney Danks: *(Off Mic)* I like this guy.

Bill Garrett: But you might not after this. But at the same time, on this building here and everything else that we got going on here, I've talked to, you know, a few of the neighbors. They're dead against this. They don't need no used tire shop. Well now I just heard we got new tires coming in too.

But at the same time, with me personally, I live at 4216 Quail Hollow, which is on the Fifth Ward, John's. "What's that got to do", one guy said to me earlier, "You don't have no business there". The hell I don't. You know why? Three homes on Riverside Drive between Boeke and Weinbach, I have actually put in money and helped rebuild them homes. Got one right now that I might even buy half of it back and it's too close to that if I'm going to...so I can't hardly invest until I find out. So why would I sit there and wa...I wished I'd had a camera 10 years ago to take a picture between Weinbach and Boeke and show you people what it looked like until what it looks like now. There is some nice...they take care of their lawns, they take care of their properties. It's amazing, it is totally amazing that *(Inaudible)* something here coming. I don't think that's go...hell, if everybody thinks that would be such a good idea, hell, move it to the Arts District; put it there. I mean if that's economic development maybe they'd like that. My part of the neighborhood, I don't want it and I know my people back here don't want it.

President Adams: Would your people be kind...

Bill Garrett: Do I have...do I have anything...any more investments? Two Saturday...Summer, when was I there with you at the park? I was there for an hour helping cleaning up South Park. Why would I do that? I had a son that played baseball there for four years, so yes, I'm still invested in that neigh...I lived there for 17 years.

President Adams: Would those that are here that you represent...

Bill Garrett: Yes.

President Adams: Would they stand please.

Bill Garrett: Would you guys stand up back there?

Unidentified Speaker: *(Off Mic)* I represent myself.

President Adams: Well you don't have to stand then.

Bill Garrett: Thanks Randy.

President Adams: Thank you very much.

Councilwoman Brinkerhoff-Riley: Sir, do you acknowledge that in...right now, today, it looks better than it did when he bought it?

Bill Garrett: Would I say...yes, when you painted the building. Yeah but the thing is from this store here you've got a block and a half area you can go buy all the used tires you want. You know they...and they talking about why are they closing the swimming pool down there. The swimming pool is right by that other used store. I mean I don't know if that's got anything to do with it but it gets your mind a twirling.

Councilman O'Daniel: What do you think that could be used for?

Bill Garrett: I...to me, a beauty shop. Hey, people in that neighborhood still like to look beautiful.

Laughter

Councilman O'Daniel: I mean you...well, I mean here's the thing; that would have to be rezoned too.

Bill Garrett: Well sure.

Councilman O'Daniel: I mean it would have to be rezoned and...

Bill Garrett: Yeah.

Councilman O'Daniel:...the thing is, you acknowledge, it's not residential.

Bill Garrett: No, it's not.

Councilman O'Daniel: There's a tank under there. It's certainly not going to be that.

Bill Garrett: Right.

Councilman O'Daniel: But this is just a matter of you don't want a tire shop there.

Bill Garrett: Yes, exactly.

Councilman O'Daniel: Alright.

Bill Garrett: Yeah, pizza place, beauty shop; I'm sure they'd be happy with that. I think, I mean I'm not speaking for them totally now.

Councilman O'Daniel: I don't know if you want people going in and out. Actually, Mr. Rivera, what are the hours of operation? Maybe that would help.

José Rivera: *(Off Mic)* Nine to five.

Councilman O'Daniel: Okay, Monday through Friday or...

José Rivera: Yes and on Saturday.

Councilman O'Daniel: Saturday also?

José Rivera: Yes.

President Adams: Okay.

Councilman O'Daniel: Thank you.

Bill Garrett: Thank you.

President Adams: Thank you, sir.

Rev. Bill Heard: Good evening folks. It's an honor to be able to talk to you. Thank you for this opportunity. My name is Bill Heard; I'm the pastor of the Eastside Church of God that's just down the corner; I'm one block south of this piece of property. I've been there for 35 years and I've seen about everything happen to this building that could happen to it. I've seen it whenever the people that originally had it whenever I first came in; a gas station as has been stated and I know the young boy that was raised in the house next to it attends my church. I was here to speak at the Area Plan the last time that they tried to be turned into a residential thing, or the piece of property behind it, and we spoke against that because we had some real concerns then.

I do want to say to Mr. Riviera that you've done a good job of making it look better. It does look much better and we appreciate that. We're not here to talk against an individual. I'm here to talk about my property and I'm here to represent about 40 people that come to my church. We're deeply concerned about our area. In the last... within the last three months, if you read the police reports...now I'm not saying anything about this gentleman, I'm talking about our area and what is happening. The house next to it was busted as a meth home. The house across the street was also busted as a meth home.

The piece of property that is a rental home, caddy-corner to my...or just across from my parking lot at my church, we have had severe trouble with...matter of fact, a member the Police Department contacted me and said, "Reverend", he said, "those people are dangerous people that live there", and I know that for a fact because I've...we've had gunfire. Just a couple of months ago the gentleman come to me that lived there and said, "Reverend, I need help". And I said, "What's the matter?" He said, "Well, I'm a felon and I can't own a gun but I got friends that are shooting up my property. I want to know what to do". And I said, "Well, the only thing I can tell you is get saved, give your heart to Jesus and stop running around with those friends and they'll stop shooting up your house".

But what I'm saying is that the folks that are moving into these pieces of property have not done anything to help us. We're trying to upgrade everything that we possibly can and I'm just saying that we're having a lot of things happen that are...that is changing the face of my community where I live. And, like I said, it's not against anybody because I think everybody's...they're probably pretty good folks and I appreciate that and I appreciate what he's done.

My concern is that whenever a tire shop comes into our area...now down on Lodge and Riverside, we have one down there and it has not enhanced that area at all. Over the years it continually...continues to degrade and get worse. My concern is that we already have...we already have a statement from F.C. Tucker that will be presented in a little bit by another gentleman that states that when this piece of property becomes a tire shop

that my home, that is right next to my church, I'm going...it's going to go down in value. They've already made that statement to us. I'm concerned about that.

I'm also concerned that anything that would be...that would lessen the appeal for people to come to my end of town to attend a worship service, I'm concerned about that. As I said, it does look better than it did, and I thank the Lord for that, but at the same time it's a tire shop and I want to say that I am for people making a living. I admire anybody who gets out and busts their behind to make a dollar, try to make it work, and I admire that very much in anyone. I'm just saying that this would not enhance my property. It was also be a deterrent, I think, to people coming to my end of town. It just don't look... it doesn't look...let me just say it like this: I think it would serve better as a storage unit or something of that nature. I'm not against somebody going into business but this type of business is going to hurt my property values. I think it's going to be a deterrent still as a tire shop to people attending my church. I have about 40 folks that would be... that are against this that doesn't want that to happen and so the only thing I know to say is that I'm here to speak for my church and what I think it will do to my area. We already have proof it's going to hurt our...the price of my property and I'm trying to upgrade everything I possibly can and we're trying...and as already been mentioned, a lot of money has gone into our area in just the last little bit. Homes are being...old homes being tore down; new homes being built. They're close to me. People have done a lot of renovation to a lot of these homes right here close by.

And so the only thing...now I have never spoken to this gentleman before. He's never approached me about this. The only thing I can say is that I would...I sure don't want to see a tire shop come into this area. I don't know what else to say except I thank you for your time and appreciate the opportunity to be heard.

President Adams: Thank you.

Rev. Bill Heard: And I hope that you will please decide in our favor. Thank you.

President Adams: Thank you, sir.

You're next, sir.

Randy Kemp: Hi, my name is Randy Kemp. I live at 2227 E. Riverside Drive. I was at the last Council meeting and there were eight questions that were unanswered for me there and I'm going to ask you those same questions here. We're live on television and I think as a taxpayer of the City of Evansville, and you representing me, that those questions should be answered.

First I'd like to approach Ms. Mosby and Jonathan Weaver with a question. I'll let him pass that out. And this is just something for me as a taxpayer.

Councilwoman Mosby: Does this have to do with this rezoning?

Randy Kemp: Yes, it does.

Councilwoman Mosby: Okay.

Randy Kemp: Yes, it does. You both privately work for F.C. Tucker, right? Jonathan, you do too, right?

Councilman Weaver: *(Off Mic)* Right.

Randy Kemp: Right. That's a great company, probably one of the best in the City of Evansville.

Councilwoman Mosby: I would think so.

Randy Kemp: Yes, and I do too. So you would take an appraiser that's with your company, you would hold them in high regard?

Councilwoman Mosby: Not an appraiser; we don't have appraisers at our company.

Randy Kemp: You have a woman named Ms. Sandra Schaefer.

Councilwoman Mosby: Yes.

Randy Kemp: Do you know the name?

Councilwoman Mosby: Yes, yes and she's a...she's a...

Randy Kemp: And do you respect her opinion?

Councilwoman Mosby: I do respect her opinion but she does not live in this area.

Randy Kemp: Okay, but you respect her opinion?

Councilwoman Mosby: I...I...Sandy's a good friend of mine.

Randy Kemp: Yes, and she works for F.C. Tucker.

Councilwoman Mosby: Yes she does.

Randy Kemp: Jonathan?

Councilman Weaver: I know of Sandy.

Randy Kemp: Yeah, and you respect her as a colleague as someone you work with.

Councilman Weaver: I would do a cross-sale with her.

Randy Kemp: Okay, that's...that's all. I want to read something from her.

Councilwoman Mosby: And I've read that so please, yes, read it.

Randy Kemp: Okay, but I want to read that again to the public because that's somebody you respect and that you admire and that's what I thought too.

Well she quoted, per request, she said, "I've made a visual inspection of your neighborhood, in particular the corner lot that is currently requesting a rezoning from R-1 to C-4 at 2141 E. Riverside. The neighborhood is 99% residential with only a service station a block away to the east and nothing to the west for approximately six blocks. My professional opinion", which eight people didn't respect F.C. Tucker and (*Inaudible*) at the last meeting; they through this out; we're going to get, as we go farther on..."to allow this property to be zoned commercial for a used tire business would devalue the neighborhood". Would you agree with that? You don't agree with your colleague?

President Adams: Sir...sir...

City Council Attorney Danks: (*Off Mic*) Mr. Kemp...

Councilwoman Mosby: Thank you.

City Council Attorney Danks: (*Mic On*)...if I may. You're certainly welcome to give a presentation. It's not appropriate ask Councilmembers questions. If they have questions of you, they'll ask you, but you shouldn't ask Councilmembers questions. We're not in a court of law; you're not a lawyer. If you would, just give your presentation and they'll consider your presentation.

Randy Kemp: Thank you. Mr. Danks, can I reproach you in that?

City Council Attorney Danks: Not really but go ahead.

Randy Kemp: We're not in a court of law, sir, but this is getting to my point. I have to present this to get to a point for everyone here on the City Council.

City Council Attorney Danks: Well, I know it's difficult to understand but actually you're making your point without asking Councilmembers to verify somebody's reputation or their accuracy, that type of thing. You can speak to that.

Randy Kemp: Okay.

City Council Attorney Danks: These Councilmembers, they're not going to be put in that situation, alright?

Randy Kemp: Okay, so don't ask the Councilmembers...

City Council Attorney Danks: Give your presentation...

Randy Kemp: Okay.

City Council Attorney Danks:...and if a Councilmember wants you to somehow verify that this person's qualified, they'll ask you that question. Alright?

Randy Kemp: Okay.

City Council Attorney Danks: But you shouldn't try to verify something through another Councilmember.

Randy Kemp: Well...

President Adams: Sir, I just think you need to read the letter.

Randy Kemp: Okay, let's read the letter and we'll finish that.

"My professional opinion would be to allow this property to be zoned commercial for a used tire business would devalue the neighborhood. Point in reference would be the intersection at Riverside and Pollack where there is no...where there is a used tire business with many junk cars sitting around. Putting this type of business in would be a disservice to all the many families trying to maintain their homes. It could...if you could be further service, please let me know".

Would you, everyone, would you agree with that?

Multiple Speakers: *(Off Mic) (Inaudible)*

Randy Kemp: Okay.

President Adams: That's not the...it's not a question whether we agree about it.

Randy Kemp: Okay, I guess...

President Adams: What else would you like to present, sir?

Randy Kemp: Yeah, my first point is is that this is a qualified professional saying that putting a used tire business in that area will devalue the property that's 99% residential.

President Adams: Okay, stop. You have seven more points?

Randy Kemp: Yeah, I have a couple more and these are things I want answered. Now I can't ask questions to the board member even if they hold another board someplace else, Scott?

City Council Attorney Danks: I'm sorry; I didn't follow your question.

Randy Kemp: Okay, Missy and Jonathan, and this is to get to a point on the Eastview Neighborhood Association; can I ask them because they are on that association, which I'm a part of.

City Council Attorney Danks: You know, really your purpose is to give a presentation not to...

Randy Kemp: Okay.

City Council Attorney Danks:...ask questions of Councilmembers so if you would, and for whatever its worth, I think you scored more points by just moving forward, giving your presentation. You read the letter; good stuff.

Randy Kemp: Okay.

City Council Attorney Danks: But if you would just stick to your presentation. Don't try to draw Councilmembers into your presentation.

Randy Kemp: Well just...I want for...you know, I'd like to ask a question, you know, to get an answer but I understand. Okay, let's go; we'll move on.

But at the Eastview Neighborhood Association minutes of March 18, 2015 Second Ward City Council representative, Ms. Mosby, talked on current issues facing the City and the

Ward. Also the Vann Park clean-up was discussed. City Council representative Jonathan Weaver was also in attendance. Okay, guest speaker...one of the chair-persons of the Streets Alive! program gave us some information on the upcoming event which I...I like that program by the way. Mr. Rivera spoke on the gas station on Riverside that he purchased and the plans he had to renovate it as a tire shop. Now the reason why I bring this up, there was a vote taken, which a letter was sent to you saying that they okayed the vote. Well the secretary, his name is Jim Grace, he was at that meeting when I notified him to give me who voted, how many were there if he's the recording secretary. I couldn't find the paperwork but we had signatures or petitions lined out with 109 individuals and I'm going to get to a point on this as we work around it. So we had 109 signatures. One of the signatures, which I don't know if you'd like to read this Scott, since you're a lawyer, but as James Grace, the recording secretary that said at this meeting, and let me read what he signed, okay, along with 108 individuals that weren't even read at that last meeting. In other words, these 108 taxpayers were thrown to the side. Now we're going to get to why they didn't appear; we're going to come to that.

"We, the residents of the neighborhood, have put forth considerable effort to improve the overall appearance of this community. Zoning this property for commercial business will cause adverse effects to the much improved neighborhood. Rezoning would decrease property value and increase traffic to our residential area. This change would create an unsafe environment for our young children. We request that you please request petition zone". Now if you'll look down on the name, that's James Grace's name with phone number that sat on this Council.

Now the next question is, and probably you would have on your mind, is why those 109 people aren't here. Anybody guess? Good question. *(Inaudible)*

City Council Attorney Danks: Just, if you would, just tell the Council.

Randy Kemp: I want to get a nod that you're alive...you know, you're alive.

President Adams: Sir, please make your presentation.

City Council Attorney Danks: Mr. Kemp...Mr. Kemp, if I may too, just so you know, I think the Council's being extremely courteous. Typically...

Randy Kemp: Okay.

City Council Attorney Danks: Typically they limit these presentations to three minutes.

Randy Kemp: Okay, three minutes?

City Council Attorney Danks: Three minutes for the total presentation.

Randy Kemp: Okay.

City Council Attorney Danks: You've been up there for about 15. Just so you know so...

Randy Kemp: Fifteen?

City Council Attorney Danks:...you might want to kinda cut it short and get to the point. Cut it short.

Randy Kemp: Okay, well the last meeting, Mr. Adams, Doc, you were there and the questions was why those 109 participants weren't there, you know, and the thing that... and I'm going to have to ask another question. Don't throw me out but another question, but I want to ask you why didn't you notify those 109 by phone? Why didn't you call...?

City Council Attorney Danks: There's a notice process and telephone calls isn't part of it. But you really need to go. If you want to finish your presentation you need to finish it.

Speaking Simultaneously

Randy Kemp: Okay, okay. Alright, alright. Well, I can't ask another question. Okay...

President Adams: The Area Plan people...

Randy Kemp: The individuals in that neighborhood...in that neighborhood are elderly. They own their properties by the way. They don't lease or rent them. They're on fixed incomes. And there was facebook post that...I use facebook. I'm friends with quite a few of you on facebook, but on the signature post, they were very scared of this individual and here's the picture of this individual's facebook post. You can look it up right now if you'd like.

President Adams: It's in the report, sir.

Randy Kemp: Got it? Yes? So that's the reason why 109 elderly, fixed income, that have lived in that area for a long time were very scared to be present. They wanted somebody to speak for them.

President Adams: Time out.

Randy Kemp: That's why I'm here. Now...

President Adams: Time out, time out, time out. These people are threatened by a man who happens to be shooting at a shooting range?

Randy Kemp: Good...good point Doctor. Can I answer that?

President Adams: If you would.

Randy Kemp: Yeah, now...

President Adams: Without the prelim.

Randy Kemp: Doc Adams, on your facebook, if you have one, on your signature post is every post like this?

President Adams: Well, it's not a matter for...what my...

Randy Kemp: Well hold on...hold on a minute.

Councilman O'Daniel: It is his constitutional right and amongst...

Randy Kemp: Everybody has a right to post pictures but when you have the elderly and they look at somebody drawing a gun, is your facebook picture the first thing...

President Adams: Sir, he's at...he's at a target range.

Randy Kemp: Right.

President Adams: Don't be silly here.

Randy Kemp: Well, I'm just saying this is the reason they were intimidated. Now everybody has a right to own a gun but this is every picture in every post, that gun is present. It's not like just a picture on his facebook.

President Adams: So he proved he liked guns. Okay?

Randy Kemp: Yeah, I like 'em too.

President Adams: Yeah, so do I.

Randy Kemp: Okay.

Councilwoman Brinkerhoff-Riley: And I think if a petition is fine method of submitting people. We don't really expect every single person. We get it that people have lives. And also, your presentation, what you've submitted in this file, has been given to Clerk and becomes part of the record so everything that you've submitted...and just to correct the record, no one appeared here before. You're referring to an Area Plan Commission meeting.

Speaking Simultaneously

Randy Kemp: No, I'm talking about...Area Plan Commission, yeah.

Councilman O'Daniel: And those minutes are part of this as well.

Councilwoman Brinkerhoff-Riley: And those minutes are kept but we don't have anything to do with the notice process that goes out to affected residents nor whether they appear. And of course we obviously weren't...most of us were not there. I believe Dr. Adams is our member that serves on that board.

President Adams: Yes, and there was great discussion at that time.

Councilwoman Brinkerhoff-Riley: Yeah, no and I've read those minutes so I can see that but everything you've printed goes into the record...

Randy Kemp: Good.

Councilwoman Brinkerhoff-Riley:...so you don't also have to read it unless you want to.

Randy Kemp: Okay. So let me understand this. So if I ever come here again, I can't ask you guys any questions?

City Council Attorney Danks: You can. The nature of your presentation...

Councilman O'Daniel: You can but it's...

City Council Attorney Danks:...it wasn't...it's not appropriate. You're really consuming all the Council's time. Did you have some other point? And honestly, I'm not trying to crit...I'm really trying to help you out.

Speaking Simultaneously

Randy Kemp: *(Inaudible)*... yeah Scott.

Councilman O'Daniel: Your point is why...why are you against it and you're pointing out you're against it...

Randy Kemp: Yeah pointing out. Here's the points: One, we have 109 signatures. We have a drop in property value in that area. Now the question, would you want a used tire place in your neighborhood?

Councilman O'Daniel: That's rhetorical so that's a...

City Council Attorney Danks: It is.

Councilman O'Daniel:...and that's fine.

Randy Kemp: And that's a legitimate question as a taxpayer. Matter of fact, eight people on the Area Planning board wouldn't answer me that. They wouldn't give me a simple yes or no.

Councilman Weaver: Mr. Riviera said, "You're not going to know this is a tire place after hours. They're going to be stored in the building".

Randy Kemp: True. Simple question, would you want to...

President Adams: Okay, what other points you want to make, sir?

Randy Kemp: That's...that's...

Councilwoman Mosby: May I address...

Councilman O'Daniel: He's answering a question.

Randy Kemp: Any questions...

Councilman O'Daniel: He's answering a question.

Councilwoman Mosby: I just want to address something that you said. Yes, I do attend Eastview Neighborhood Association because I think it's good for me to go to my neighborhood associations. I attend probably eight or nine other ones as well but I...I... Jonathan Weaver does as well because that's how we get to know the people in our neighborhood. But I did not vote on that that evening.

Randy Kemp: Wow.

Councilwoman Mosby: I did not take a vote on that.

Randy Kemp: Okay.

Councilwoman Mosby: Neither did Councilman Weaver.

Randy Kemp: And you know Missy, I didn't know that...

Councilwoman Mosby: So I mean you were...you were putting something out there to try to make it look like so I just want to clear that up that yes, I go to neighborhood meetings, I proudly attend them. I think that's a good way for me to get to know my constituents. But what you're trying to say, you were trying to tarnish my reputation and say I voted on something. I did not.

Applause

Randy Kemp: No, no, let me answer that please. Let me answer that please. Can I answer that Scott?

There's a letter in there that says a vote was taken. A letter was sent to you by the Eastview Neighborhood Association that they approve this.

Councilman Weaver: Yeah, members of the association. I'm not a member; I'm a guest every time I go.

Randy Kemp: Yeah, and I couldn't get who voted and I didn't say that you voted I said you were present.

Councilwoman Mosby: You were alluding to that.

Randy Kemp: Yeah, but you were present. You were present at that meeting.

Councilwoman Mosby: I proudly attend my neighborhood associations. Yes, I was.

President Adams: Sir...sir...

Councilman Weaver: So do I.

Randy Kemp: And I respect that but you attended that meeting, that day, you and Jonathan both.

Councilwoman Mosby: I attend probably 95% of those meetings.

Randy Kemp: But you didn't vote.

Councilman Weaver: That was six months ago; I don't remember what Connie told me on Saturday.

President Adams: Sir?

Randy Kemp: Yeah?

President Adams: We're going to have to slow this down.

Randy Kemp: Okay.

President Adams: Are you done?

Randy Kemp: Yeah, that answer...you know, I got a lot questions answered. Sorry about that.

President Adams: Thank you. No, don't be sorry.

Randy Kemp: Yeah, I love to...love to get my tax dollars. Thank you.

President Adams: Thank you very much. Is there anyone else that would like to speak? Mr. Mosby was here but I think he...

Don Mosby: *(Off Mic) (Inaudible)*

President Adams: Well, you were in line but...

Unidentified Speaker: I'm here...I'm here to support the rezoning. I own the property right behind...just right behind 2141. I own 2515 S. Alvord Blvd. and the pastor that spoke, if you learn who José was, you would understand that he's a good person. This is beyond just a tire shop. The young man is trying to build something for his family. And as far as the tires goes, on a cold winter morning when you done had a flat tire, everybody looking for a cold...a tire shop, you know. It's beyond...and it's good money in it. It's good money in it, that why you see all the tires in the back of different places but he's not...he's not going to do everything he's done; clean this place up. I was there before him. He...I got there and he came over to introduce himself and he had cut my grass. I didn't know who the guy was. And he...

President Adams: Sir? Would you state your name and what you live?

Adrian Joyner: Oh, my name is Adrian Joyner.

President Adams: Yeah.

Adrian Joyner: 2515 S. Alvord Blvd.

President Adams: It's for the record. I didn't mean to interrupt you.

Adrian Joyner: That's okay. I thought I was saying something wrong since the last guy...whoa.

But anyway, the guy that passed out the folders...you know, me and José was sitting out this morning talking about this moment and these guys, they take it to a whole other level. You know they ride about 20 mph, you know, pointing fingers. You know, it gets personal and it shouldn't go to that level. It makes you wonder is it really about tires or is it, you know, they got a problem with who's coming into the community because José is a good guy but he's affiliated with me and I'm the only person right behind the shop, you know. And you wonder...you wonder what's the real story here.

But I'm just here to support him and I hope that he does...that ya'll consider Ms. Mosby because if it wasn't for your early-on support he probably wouldn't even went as far as he did with the building because the building was in horrible shape. Ya'll see how the building looked and the trees. The trees...you couldn't see my property because of the trees that grew up on his. But now everything looks good and I hope that ya'll look beyond all the riff-raff that these people are throwing at him because if you do a little history, there was another guy that got in this building a few years back by the name of George Madison and he was pushed out horribly. He was taking care of his family and he got pushed out by these same people. You want to...you know, you look a little farther...look at the trend here. What's the problem, you know?

And if they give José the rezoning, you never know, with a C-4 zoning, you might can get a pizza shop in the community. He's got enough property there for a pizza shop if he wanted to put one on the side of it, you know?

I just wanted to let ya'll know that I'm supporting it. Thank you.

President Adams: Thank you, sir. Thank you very much, sir.

Name and address sir?

Don Mosby: Don Mosby, 1730 Green Castle. Well I hear you...I heard ya'll talking about the ballpark. I want to tell you one thing, I coached at that ballpark 40 years and she's about...by grand, I mean brother-in-law used to live right next to where this building has been and I know all about it and I tell you his name and you can check it: Roscoe

Wilson. He sold the house when he moved to Indianapolis. They don't (*Inaudible*) my neighborhood; it's my neighborhood because I used to go out there and babysit for 'em and everything. And the ballpark, it's on my dad. I helped build that ballpark and they can't say this and that. I take...play with kids all the time and I still coach the ball team and a swim team.

President Adams: Mr. Mosby?

Don Mosby: Yeah? But they bought the ballpark up...

President Adams: Could you stick to the subject we've got here on 2141 E. Riverside?

Don Mosby: Huh?

President Adams: We're not talking about the ballpark.

Don Mosby: Well I am talking about...I knowed...they said I don't know nothing about that neighborhood; my brother in law used to live there right next to it.

President Adams: I didn't hear anybody say that you didn't know about the neighborhood. I just want to hear...

Speaking Simultaneously

Councilwoman Mosby: Well she said you...I aint saying no names.

President Adams: I just want to hear your views the Riverside property.

Don Mosby: It shouldn't be zoned because it's...its spot-zoned to start with now. You all didn't know about (*Inaudible*) and she's talking about the neighborhood association. I belong to a neighborhood association. If I go there there's four or five people so...and that's the way it works.

Unidentified Speaker: (*Off Mic*) (*Inaudible*)

President Adams: Okay.

Don Mosby: See, now she wants...

President Adams: No, no, no, no. Thank you sir.

Alright, any other comments or (*Inaudible*)? Yes sir.

Unidentified Speaker: Ladies and gentlemen.

President Adams: Name and address, sir?

Harold Williams: Harold Williams. I live at 2233 E. Riverside Drive and just want to...I won't take just a few seconds of your time. I'm not pleased with the tire shop...

President Adams: You take a...if you want three minutes, you got it, sir.

Harold Williams: Well, okay. Thank you. Alright, I've been just not pleased with a tire shack, you know, in that area. I think it'll devalue the property and cause a lot more, well, you know, more traffic on the road out there. I mean there's little kids, a lot of little kids live up and down through there too. There is a lot of kids so that's about it.

President Adams: Thank you, sir.

Harold Williams: I just hope that you vote in our favor and, you know, don't rezone it.

President Adams: Would Mr. Rivera like to remonstrate? Mr. Rivera get to talk back?

Councilwoman Mosby: Could I make one comment too?

President Adams: Sure, please.

Councilwoman Mosby: You know this has been a vacant property for quite some time, which does cause issues and problems in a neighborhood. You know to get a business back in there and get some lighting and some people there, you know, I'm hoping that it helps deter some things in that area. And what some of the remonstrators, I mean I understand you may not be happy with what's going in there, but our question here is should this be a commercial piece of property and it's been a commercial piece of property since day one.

President Adams: Okay.

José Rivera: I just wanted to say something. You know, everything that's going on, like now, is overwhelming; it really is, you know, and I just want to say something for the record, real quick. March 9th I had the opportunity to rezone, or submit the paperwork, for this piece of property, March 9th. I held back that application to meet all of the neighborhood and to get familiar with the residents in the neighborhood. I cleaned up the property. I made some changes to the property. Then I submitted my application. Not once has nobody come to me voicing their concerns. The pastor, I've met you once. You came getting firewood, right? Not once did you voice any concern to me about what I was going to do there or what was going to be put there; nothing. If

people from your church are saying that they don't want to see a tire shop there and that that's going to hurt people from going to church, that's bad; your church is doing bad because I travel all the way to Lynch Road and Burkhardt to go to church.

President Adams: Sir?

José Rivera: Every Sunday. So I just want to get what I...

President Adams: Will you please make it...please make your comments to us.

José Rivera: I just wanted to clear that up, you know, and if an abandoned building is what you guys want to see there, I would put it back that if you don't rezone it. I'll pay for the building and put it exactly back the way it was and then you'll have traffic in that parking lot, you'll have meth dealers selling drugs out of that parking lot, you'll have more shootings there because it's empty, it's no light, and that's bad. If you guys want that in your community I'll gladly put it back that way but that's not what I want to do. I want to...if you get an appraiser now for your properties it's probably went up since I did what I did to my building.

President Adams: Okay.

José Rivera: So act tough to that.

Councilman O'Daniel: Easy.

Councilwoman Brinkerhoff-Riley: I have a question for you Mr. Rivera.

José Rivera: Yes ma'am.

Councilwoman Brinkerhoff-Riley: You obviously started working on this property before you submitted it and I can tell from your contract you've paid somewhere in the neighborhood of about \$8,000 so far...

José Rivera: Yeah.

Councilwoman Brinkerhoff-Riley:...on the purchase of the property.

José Rivera: It's been a little bit more. It's at \$12,000.

Councilwoman Brinkerhoff-Riley: Is that include...that's what I was getting at. Is that what you've paid for the property and your investment?

José Rivera: Yeah, the building is \$25,000...

Councilwoman Brinkerhoff-Riley: No, I know but you're paying \$416.00 a month, \$5,000 down.

José Rivera: Yeah.

Councilwoman Brinkerhoff-Riley: I did some quick math.

José Rivera: Yeah.

Councilwoman Brinkerhoff-Riley: Have you in...how much have you invested into the...?

José Rivera: Personally? I got about 10 grand personally invested in the building. That's aside from the \$12,000.

Councilwoman Brinkerhoff-Riley: Okay, and so you've paid tw...you've paid 12 on the 25, the purchase price?

José Rivera: Yes, yes, yes.

Councilwoman Brinkerhoff-Riley: And what will you do with the property if you're not able to open it as a tire shop?

José Rivera: Well, I don't know because I got all of the equipment already purchased for a tire shop. I got lifts in there. I got tire changing machines. I got air compressors. It's a garage. It's an automotive building. If it can't be service for automotive services then I don't know what the building could be. I mean it's all one. I can't have nobody living there with two big garage doors.

Councilman O'Daniel: Right.

José Rivera: So, I mean if the community doesn't want a tire shop there, that's sad because if your tire gets flat and then you got to drive all the way down there and I'm right across the street from you, that's bad, you know?

Councilman Weaver: It looks like from the aerial pictures, there's a...some sort of mechanic shop behind it. I see a lot of school buses; it looks like from the aerial shot.

José Rivera: Well that's in the in the back...

Councilman Weaver: Right.

José Rivera:...of Alvord, yes (*Inaudible*).

Councilman Weaver: So there's other commercial stuff happening.

José Rivera: Yes there is.

Councilman Weaver: Right there.

José Rivera: Yes and that big white building, if you drop back just a little bit down, that's a C-2 building on a residential property.

Councilman O'Daniel: Well, I think there's a C-2 designation on it so...

José Rivera: And to be honest, if someone was offended by my picture on facebook, that's crazy but the lady, her name Ms. Evelyn. She's 92 years old. She lives two houses over from my tire shop, right there. That's her house actually; that's Ms. Evelyn's house. She had some...a wall on her piece of property that was like a chipping on the paint. I got guys to paint her house. I found her people to paint her house and her and I, we talk. I mean I'm actually remodeling the house right next door to the shop so it's...it's...

Councilman O'Daniel: Well I think you're the...I think you're the, I don't know...don't use the word victim but you're...the problem here is the way people view tire shops around the city...

José Rivera: Yes.

Councilman O'Daniel:...as I indicated earlier.

José Rivera: Yes.

Councilman O'Daniel: And many of them, not yours necessarily, but many of them are not...they're eyesores and you...

José Rivera: Yeah.

Councilman O'Daniel: And so people want some assurances from us and from you on why yours is going to be any different and of course you're just giving you word and what you've done to the property in the last six months. But clearly, it can't be anything but some sort of light commercial kind of thing because it was a gas station and the environmentalists won't allow for residential to be there.

José Rivera: Yeah.

Councilman O'Daniel: So the question for us is, "Do we allow for it to be a tire shop?" We do have an opportunity to do that. I know that's a debate amongst Councilmembers on whether or not, when we do rezoning, are we just rezoning because it's the highest and best use or can we control what goes in there. We had that debate with the property there at the church at Fielding and the Lloyd too so, you know, I think...I appreciate your presentation and everybody else's concerns because I know they're very real but also, in looking at that appraiser's report, it also says the point of reference was that tire shop down at Riverside and Lodge, which is not his property either and so that's...that...I mean I think that's a distinguishing factor here when we're talking about property values across the neighborhoods.

José Rivera: Well to answer that as far as like the tire shop that's on Lodge, that tire shop that's on Lodge, the guy who runs the tire shop, I don't know his name. That's not his land. He does not own that piece of property; he owns the business. He's been there 15 plus years. The lady that owns it, she doesn't want to sell it because he's there, he's paying that money. So he does not want to invest back into that building to where's...though I'm going to become the land owner of this property so I'll have the opportunity to invest back into my business. He doesn't have that privilege and a lot of tire shops that are in town don't have that, you know, that land ownership to invest back into the business so that it will increase the value of the property.

Councilman O'Daniel: I think that's the proper distinction.

José Rivera: So that's why those tire shops look like...the way they do.

Councilwoman Robinson: I guess I have one question. You spent \$10,000 on equipment you said, inside.

José Rivera: Yes ma'am.

Councilwoman Robinson: Did you not know that you had to have it rezoned?

José Rivera: Yes I did, I did. I'm going out on faith here and my faith tells me that when I look at that building, it's a commercial building. If the community has a problem with that building being there, somebody should have bought it and knocked it down. It's a commercial building and it's a garage. It's automotive services and so that's the only thing I could say about that.

President Adams: Okay.

Councilwoman Brinkerhoff-Riley: Does the Use & Development agreement require that the tires be stored inside when the shop is closed?

José Rivera: Yes ma'am, or a container outside but in order for me to put the container outside, I would have to fence it in.

Councilwoman Brinkerhoff-Riley: Okay.

José Rivera: During the daytime of business operation I could have tires outside but when the doors close I would...or, if it's raining. If it's raining I would have to have something covering the tires that area outside so they don't accumulate water inside and then you get mosquitoes.

Councilwoman Brinkerhoff-Riley: Do you currently own a business somewhere else in the city?

José Rivera: Yes.

Councilwoman Brinkerhoff-Riley: What do you do now?

José Rivera: Well I do...I do construction work right now.

Councilwoman Brinkerhoff-Riley: Okay.

José Rivera: And I'm also invested into this community. I own a home on Frisse and if you guys looked at that, that property is paid in full for. That's a \$75,000 build...home right there that's paid in full; no mortgage, nothing.

Councilwoman Brinkerhoff-Riley: Have you had any complaints against your current business?

José Rivera: No.

Councilwoman Brinkerhoff-Riley: Building Commission; any code violations?

José Rivera: No, no, no.

Councilwoman Brinkerhoff-Riley: What about your home?

José Rivera: No, no.

Councilwoman Brinkerhoff-Riley: Thank you.

President Adams: Okay. We have done...

Councilman McGinn: Just a couple quick...just...

President Adams: We've been at this for a while.

Councilman McGinn: Just two real quick ones. How long was this building vacant, do you know, sir?

José Rivera: If I'm not mistaken, electricity was off since 2006.

Councilman McGinn: Okay.

José Rivera: So from...there was a generator that was inside the building. Whoever was operating out of there was using a generator. So if I'm not mistaken, it's been 10 years plus.

Councilman McGinn: So has this thing been in automotive business since it was built in 1959?

José Rivera: Yes.

Councilman McGinn: And do you know, when that was a gas station from...I know it was a gas station for 31 or 32 years; some of you people from the neighborhood may know, did it sell tires?

Unidentified Speakers: No.

Councilman McGinn: Okay, thanks.

President Adams: Okay, is there anyone else who wants to speak and add something new to the discussion?

Unidentified Speaker: *(Off Mic) (Inaudible)*

President Adams: New to the discussion?

Jimmy Kemp: Jimmy Kemp, live at 2213 E. Riverside Drive.

President Adams: Go.

Jimmy Kemp: I own three pieces of property there close to that station. My nephew owns two; we own five. When we own 'em we don't rent 'em or nothing.

Riviera said that Ms. Evans, he done some work for her. She signed that petition. She don't want it there either. Did you guys look at her name on there? She signed the petition. She don't want the tire place there.

Bonnie Williams, right across the street, signed it. She don't want it there. The house to the right of Bonnie Williams, a bank repo-ed that. The house over to the right, it's a rent house; he rents that house.

So no, I own three pieces; my nephew owns two.

President Adams: Got it.

Jimmy Kemp: And I don't want no tire shop. I don't want it zoned C-4. I appreciate your time.

President Adams: Got it.

Okay, no more comments, I guess, from us. We've heard from the crowd. Is there a motion to adopt R-2015-19?

Councilwoman Mosby: So moved.

President Adams: I need a second.

Councilwoman Brinkerhoff-Riley: *(Off Mic)* I will second that so we can vote.

President Adams: Okay, thank you. I have a motion and a second. Please call the roll.

Comments made prior to casting their respective votes.

Councilwoman Brinkerhoff-Riley: This is a toughie. It's absolutely hard to say. I mean I'm not a...I don't put a ton of stock in petitions and I'm not super fearful of remonstrators because sometimes we have to make decisions that unpopular. And looking at a larger picture, I mean this is either going to sit vacant indefinitely, and the City doesn't a great policy or plan in place for demolition of commercial buildings. And since there's tanks in the ground the odds are that if the current owner were to abandon the property it would just cycle through the auction process with nobody picking it up because of the liability, and ultimately it would end up in the hands of the City to take care of, board up, mow.

And we...there're infinite, not infinite but there's a lot of examples of abandoned commercial properties that...Miller Plating, that property, that cycle through the auction

because the County won't take possession of 'em and nobody's dumb enough to buy 'em and that's really what this property faces. And so you've got the...and I don't even...the cliché about sort of the devil in the mir...the devil you know and the devil you don't and I think at the...the one you know seems to be upstanding man that's proven his willingness to invest his time and money in the business.

My problem with the tire shops in my ward are that the tires sit out and they cause all kinds of problems. They're ugly, there's bugs, and you've got a Use & Development agreement that requires that those stay inside and as unpopular as it may seem in the short term, I think it's the best thing in the long run. I vote aye.

Councilwoman Robinson: As Councilwoman Brinkerhoff-Riley said, this is a very tough one. I mean I don't want to stop anyone from being an entrepreneur but then I'm also thinking would I want tires in my neighborhood. You know so it really is a tough one. I think the only thing that saves it is the fact that he's going to put the tires in the building after 5:00. I hope I'm doing what's right but I'm doing what I think is right and I vote aye.

Councilman Friend: Obviously, what I do for a living I always like to promote businesses as much as we can. It...I guess looking at this what I notice that they seem to be other...other commercial pieces of property around. I think Dan, did you not point those out to me I believe?

Councilman McGinn: *(Off Mic)* Yeah.

Councilman Friend: You know, on the screen and I could have...I can be very sentimental about...about people, about the values of the homes I mean. And what Stephanie made a comment about, this probably would cycle through. Miller Plating's a good example of all this. Oh I tell you. And only thing I can imagine that that corner, or whatever that is, would just deteriorate. But with that I'll...I'll have to along...along with an aye on this.

President Adams: Hold on a second. That is an aye?

Councilman Friend: Aye.

Councilman Lindsey: Well you know, I feel for Mr. Rivera but I also feel for the people who have to live in that neighborhood, you know. I agree that he's...and I agree with him on a lot of points that if someone is really concerned about that building they should have bought it. I agree with that. But I also agree that I...you know, these people lived in this neighborhood for years. I'm not questioning his, you know, him in any way.

I feel for him as far as a business man but, you know, I've always got to side with the people live in those neighborhoods so I vote no.

Councilman O'Daniel: Well it's clearly a commercial building. The question is whether or not we should get into the business of determining what exactly should go in there and what should not. You know if closed in 1990 as a gas station, no other commercial development has really gone in there, you know we can fantasize about a pizza place or a hair styling salon but the reality is nothing's gone in there that has made a dime. We've got a gentleman who, from his word, that's all we have to go on, and I guess his actions over the last six months in making that building look better, on a prayer, has seemed to indicate with his investment that he'll try to make this work and will do what he can with the neighborhood; invested for his children apparently as well. You know, I think we're clouded by the fact that other tire shops have...have not necessarily lived up to their end of the bargain. The Use & Development Commitment mandates that the tires are put away or stored out of sight. That will go a long way towards making this venture worthwhile.

As far as the property values, I understand that the point of reference is another tire shop that isn't necessarily good. I also think that, you know, the recitation that there were meth houses in the immediate area probably does more to devalue the neighborhood than a lone tire shop or a vacant building that has sat empty for 25 years so, you know, I've been pretty consistent about promoting development where it makes sense and where the use really has not changed significantly.

I think Mr. Rivera has at least demonstrated that he's willing to invest his own money into it; not just renting. He's going to own this. Obviously, I think, even the remonstrators have said, "It looks a lot better than it used to", and I think that rather than operate on fear we ought to operate on faith and I think that he's give his word and so for that reason I'll vote for the rezoning; so I vote aye.

President Adams: Again, this is a gray area. I sort of like history. This has been a commercial site for a long time but it's been a failed commercial site. I know the mortality of small businesses...what is it, 90% over two years? Unfortunately I think that the people who actually live in the area pretty much don't want that so I vote no.

ROLL CALL:

Ayes: Mosby, Brinkerhoff-Riley, Robinson, Friend, O'Daniel, Weaver

Nays: McGinn, Lindsey, Adams

President Adams: There being six (6) ayes, three (3) nays, Ordinance R-2015-19 is hereby declared adopted.

Applause

REGULAR AGENDA
THIRD READING OF ZONING ORDINANCES

ORDINANCE R-2015-20

APC

C-4 to R-1

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana,
More Commonly Known as 7501 Telephone Road

Petitioner: MOB, LLC

President Adams: Who wants to discuss this? Ah, here we go.

Councilman O'Daniel: *(Off Mic)* Maria's coming up.

President Adams: Welcome. Thank you for being patient.

Councilman O'Daniel: *(Inaudible)*...45 minutes on this one.

President Adams: Yeah. Thank you for being patient.

Attorney for Petitioner Bulkley: I move for approval.

Laughter

Maria Bulkley: Dang it; I thought I'd give it a shot.

President Adams: Well-timed I might add.

Attorney for Petitioner Bulkley: Good afternoon, members of the City Council. May I go ahead and proceed?

President Adams: Please.

Attorney for Petitioner Bulkley: Thank you. For the record, my name is Maria Bulkley. I'm an attorney with Kahn, Dees, Donovan & Kahn Law Firm at 501 Main Street. With me this afternoon is developer Bruce Biggerstaff of MOB, LLC. Also with me is surveyor Scott Buedel and we are here this afternoon requesting a downzoning from C-4 with a Use & Development Commitment to R-1

I did hand out packets. You probably already had them in your packet but to make it easy I handed those out. There's a color map inside so you can see where this property is located. This property is a 36 acre site and it's located on the south side of Telephone

Road near the intersection of Telephone and Diego and it's sandwiched in between Old Boonville Highway and Morgan Avenue. We are seeking to downzone this property in order to put in a residential development which would be comprised of single family dwellings.

Across the road, across Telephone Road to the north of this site, there is another residential development. It's called Centerra Ridge and that development is also one of Mr. Biggerstaff's developments and this would be a similar development if any of you are familiar with that.

In this area there are also other residential developments and this use is consistent with the comprehensive future plan. I'd like to add, on July 6th, we held a meeting with the neighbors. We held that at Mr. Biggerstaff's office. We had an excellent turnout for that meeting. We were able to answer questions the neighbors had concerning the development and we did not have any objections or negative feedback. In fact several of the neighbors were happy to have the downzoning and excited about the prospect of more residential in the area.

We request that you grant this petition to downzone from C-4 with a Use & Development to R-1 and we did receive all of the favorable votes from Area Plan Commission; no...no negative votes.

If you have questions for us we will be happy to answer those.

President Adams: Any questions from the Council? Any remonstrators or comments from the crowd? Is there a motion to adopt R-2015-20?

Councilwoman Robinson: So moved.

Councilman O'Daniel: Second.

President Adams: We have a motion and a second. Roll call please.

Comments made prior to casting their respective votes:

Councilman McGinn: Maria, I love it when people build homes within the city limits; hopefully we can increase our population. Plus I've never had a problem with a down-zoning to R-1. I vote aye.

Attorney for Petitioner Bulkley: Thank you.

Councilwoman Mosby: I think it's a great project; looking forward to seeing it develop. I vote aye.

President Adams: This sailed through Area Plan and it really is a good thing. I vote aye.

ROLL CALL:

Ayes: McGinn, Mosby, Robinson Friend, Lindsey, O'Daniel, Weaver, Adams

Absent: Brinkerhoff-Riley

President Adams: Therefore I believe we're eight (8) ayes, zero (0) nays, and therefore R-2015-20 is hereby declared adopted.

Attorney for Petitioner Bulkley: Thank you.

President Adams: Thank you for being with us.

REGULAR AGENDA

THIRD READING OF ZONING ORDINANCES

ORDINANCE R-2015-21

APC

C-4 to R-2

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, More Commonly Known as 211, 213, 217, 221, 223 and 225 Waggoner Avenue

Petitioner: Memorial Community Development Corp.

President Adams: Okay, who is going to talk to us today about this piece of legislation? Ah, Reverend, join us please.

Reverend Brooks: Good evening, I'm Adrian Brooks with Memorial Community Development Corporation. We have before you a request to resign...to rezone, not resign, I'm not to do that yet, but to rezone these properties for our continuing development of housing in the Center City that will continue to add population to our city as well.

Councilman O'Daniel: See, I think this is a good example of how landbanking can work, right? Because you've got continuous properties and then you're going to develop it consistent with everything else, right. Taking a while to get up with these properties together.

Reverend Brooks: It's a...well, we've worked...we worked very well with the City and so for us it has been as pleasant of an experience as it could be in trying to do these projects but we continue to make progress and people continue to show us that there is

a...a need as we supply so as we build, people are acquiring and buying so it's a good thing for...it's a win-win I think for our community.

Councilman O'Daniel: Very well. Thank you.

President Adams: Any other comments from Council? Any comments from our crowd tonight? Any remonstrators for or against?

Councilwoman Robinson: Motion to adopt.

Councilman Weaver: Second.

President Adams: I have a motion and a second. Please do the roll.

Comments made prior to casting their respective votes:

Councilman McGinn: This may sound familiar. I love it when homes are built within the city limits to increase our population. I vote aye.

Councilwoman Mosby: I agree with Councilman McGinn. I vote aye.

President Adams: The Area Plan loved this project; it's really a good one. It sailed through that and it should sail through here. I vote aye.

ROLL CALL:

Ayes: McGinn, Mosby, Robinson Friend, Lindsey, O'Daniel, Weaver, Adams

Absent: Brinkerhoff-Riley

President Adams: Eight (8) ayes, zero (0) nays, Ordinance R-2015-21 is hereby declared adopted. Thank you, sir.

Reverend Brooks: Thank you so much, and Council Attorney Danks...

City Council Attorney Danks: Yes, sir?

Reverend Brooks: May I ask Missy Mosby, our Council from Ward Two, a question?

Laughter

I was just joking.

Councilwoman Mosby: You can ask me later.

City Council Attorney Danks: Reverend, it's been my experience she can take care of herself. She'll let you know if it's inappropriate.

CONSENT AGENDA

SECOND READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE F-2015-11

FINANCE

O'DANIEL

An Ordinance of the Common Council of the City of Evansville Authorizing Transfers of Appropriations, Additional Appropriations and Repeal and Re-Appropriation of Funds for Various City Funds

ORDINANCE F-2015-14

FINANCE

O'DANIEL

An Ordinance of the Common Council of the City of Evansville Approving the Annual Community Development Plan and Appropriating Community Development Block Grant, Emergency Solutions Grant and Home Investment Partnership Program Grant Funds

RESOLUTION C-2015-11

FINANCE

O'DANIEL

A Preliminary Resolution of the Common Council of the City of Evansville Declaring an Economic Revitalization Area for Property Tax Phase-In for the Construction of Real Property and Installation of New Equipment – Old Evansville Brewery Development, LLC ("OEBD")

RESOLUTION C-2015-12

FINANCE

O'DANIEL

A Preliminary Resolution of the Common Council of the City of Evansville Declaring an Economic Revitalization Area for Property Tax Phase-In for Redevelopment Located at 607 East Iowa Street, Evansville, Indiana - Carpenter Court, L.P. (c/o Pioneer Development Services, Inc.)

ORDINANCE F-2015-15

FINANCE

O'DANIEL

An Ordinance of the Common Council of the City of Evansville Authorizing Appropriations of Funds within Various Departments

COMMITTEE REPORTS:

FINANCE COMMITTEE:

CHAIRMAN O'DANIEL

Chairman O'Daniel: Mister President, your Finance Committee met this evening; heard ***Resolution C-2015-11 and Ordinances F-2015-11 and C-2015-12.*** Each comes forward with do-pass recommendations.

President Adams: And we've tabled Ordinance G-2013 to be seen, or be heard early in October?

Councilwoman Brinkerhoff-Riley: That's G-2015-22 and October 12th.

President Adams: Yeah, great.

Is there a motion to adopt the Committee Reports and move on to the Ordinances for a Third Reading?

Councilwoman Mosby: So moved.

Councilman Weaver: Second.

President Adams: We have a motion and a second. All those in favor? Opposed? So be it.

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REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE F-2015-11

FINANCE

O'DANIEL

An Ordinance of the Common Council of the City of Evansville Authorizing Transfers of Appropriations, Additional Appropriations and Repeal and Re-Appropriation of Funds for Various City Funds

President Adams: Any more comment about this? Okay, we've already discussed this. Is there a motion to adopt Ordinance F-2015-11?

Councilman O'Daniel: So moved.

Councilman Lindsey: Second.

President Adams: A second and a motion; roll call please.

ROLL CALL:

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Friend, Lindsey, O'Daniel, Weaver, Adams

President Adams: Nine (9) ayes and no (0) nays, Ordinance F-2015-11 is hereby declared adopted

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE F-2015-14

FINANCE

O'DANIEL

An Ordinance of the Common Council of the City of Evansville Approving the Annual Community Development Plan and Appropriating Community Development Block Grant, Emergency Solutions Grant and Home Investment Partnership Program Grant Funds

President Adams: Mr. Coures, would you join us with your small wealth of information?

DMD Executive Director Coures: *(Off Mic)* I can just do what I can.

President Adams: I'm being sarcastic; it's huge.

DMD Executive Director Coures: I love it. Have to get my bookkeeper up here. You have before you the Mayor's recommendations for 2016's federal programs, federal funding, which you heard at Finance Committee meeting, Special Meeting, on...last week so we're here the evening to take your recommend...your decisions tonight if you choose to change anything.

President Adams: If you want...

DMD Executive Director Coures: And I would like to just make a special note that the Pastor Brooks and I talked on Sunday, yesterday, about the finance ordinance for a hundred thousand for the market. If you'll last year, you approved a grant for Memorial CDC to acquire the Emporia Shopping Center on Lincoln Avenue, which Memorial's going to be in the process of doing some work in there. I believe they're...we're going to open the CDFI in one of the empty spaces there, Memorial's credit union, the neighborhood credit union, so what you see tonight, instead of waiting until 2016 to fund the stocking and fresh food for the market, we had prior years' funds that we can move this year and so if you'll notice we took off the \$200,000 that would have been on 2016's budget and we're doing that hundred thousand this year so that he can go ahead and get that store stocked over the winter.

President Adams: Okay, any comments please from City Council? Anyone from the crowd care to comment on this?

Councilwoman Robinson: No, no, no.

President Adams: Oh, I apologize.

Councilwoman Robinson: Sorry. I'm sorry.

Councilman O'Daniel: I think, you know, we heard some of these and there were, obviously, the bus line or at least the Sunday service was something that we thought would be a really good idea.

Councilwoman Robinson: After...after hearing this and receiving calls from different Council people and asking...these are the motions that I'd like to make. I'd like to remove \$12,000 from #18. I'm sorry, let me start. I'm going to remove \$2,500 from #26, which was the...

Councilman O'Daniel: Is this off the Mayor's recommendations or is this of the CAC (Citizens Advisory Committee)?

Councilwoman Robinson: This is a...this is the total. It's...

Councilman O'Daniel: Okay.

Councilwoman Robinson: Just follow me.

Councilwoman Brinkerhoff-Riley: *(Off Mic)* The Mayor's recommendations.

Councilwoman Robinson: The Mayor and the...okay, okay.

President Adams: Would you...

Councilwoman Robinson: The Mayor had...

President Adams: Would actually read...

Councilwoman Robinson: Yeah. Okay, the Mayor...SWIRCA...the Mayor had recommended, CAC recommended \$2,500. I don't have that *(Inaudible)*.

DMD Executive Director Coures: *(Inaudible)* SWIRCA Senior...the Nutrition Lunch...

Councilwoman Robinson: Yeah, SWIRCA said...

DMD Executive Director Coures: I know the CAC left that zero; the Mayor recommended \$2,500 for a SWIRCA Lunch Program

Councilwoman Robinson: You're correct. The Mayor recommended \$2,500. After their presentation, they did not have a site downtown. They had not had a site so I'm removing the \$2,500 from SWIRCA.

DMD Executive Director Coures: Jane, Council's removing \$2,500 from the SWIRCA Lunch Program. I just want to make sure we get it all down to...for the Finance ordinance.

Councilwoman Robinson: And then you go to #27 which is VOICES. The Mayor recommended \$17,200; the CAC recommended \$12,545; I'm taking it back to the CAC's recommendation of \$12,545.

DMD Executive Director Coures: Jane, Council's removing about five of that money...

Councilwoman Robinson: \$4,655

DMD Executive Director Coures:...from the Nursing Home Ombudsman Program.

DMD Deputy Director Reel: *(Off Mic)* \$4,600 and what?

Councilwoman Robinson: \$4,655.

DMD Executive Director Coures:...from the Nursing Home Ombudsman Program.

Councilwoman Robinson: From #27. They're going back to what the CAC had recommended.

I'm going remove \$2,000 from #37, which is the Y...which is the Y-CAP Outreach Program. The Mayor recommended...#27...

DMD Deputy Director Reel: *(Off Mic)* \$12,000

DMD Executive Director Coures: \$12,000.

Councilwoman Robinson: \$12,000. We're just...we're taking it to \$10,000, what CAC had recommended, \$10,333.

DMD Executive Director Coures: \$10,333.

Councilwoman Robinson: Yeah.

DMD Executive Director Coures: Okay, so...

Councilwoman Robinson: So we're taking it back down to that.

DMD Executive Director Coures: And so \$1,667 away from the Y-CAP Program.

Councilman O'Daniel: Is it \$10,000 or \$10,333?

Councilwoman Robinson: \$10,000

Councilman O'Daniel: Just \$10,000.

Councilwoman Robinson: Just \$10,000.

DMD Executive Director Coures: So you're taking it to \$10,333 or \$10,000?

Councilwoman Robinson: No, I'm taking it to \$10,000.

DMD Executive Director Coures: To \$10,000.

Councilwoman Robinson: From \$12,000 to \$10,000.

DMD Executive Director Coures: So we're taking \$2,000 away from Y-CAP YMCA Outreach Program. Okay.

Councilwoman Robinson: Which when you look at that, all that is...that's a total of \$9,155 and I'm putting it into #19 which is the Bridge Builders Program for New Hope which will transport people where the buses don't take 'em and give Sunday bus service until the City has Sunday bus service.

Councilman O'Daniel: So instead...instead of \$30,000, go to 39 and change.

Councilwoman Robinson: Yeah, what hap...the CAC had recommended for the Bridge Builders \$33,834; the Mayor reduced it to \$30,000 and I'm going to take it to \$39,155.

DMD Executive Director Coures: Well just so Council knows that this is an anomaly in the Public Service Budget. We're working with New Hope CDC to put them into a different category next year so that their allocation won't impact the Public Service Budget as it did this year.

Councilwoman Robinson: Yeah.

DMD Executive Director Coures: The program has to establish itself before we can approach HUD about making them a CBDO, Community Based Development Organization, but once that program is operational, and they have results, and they can show that they've impacted the economic footprint, we can move New Hope into the category we moved Memorial's allocations two years.

Councilwoman Robinson: But until that time they need money so that we can...there's plenty of people need bus transportation in the evening...

DMD Executive Director Coures: Right.

Councilwoman Robinson:...and on Sundays.

DMD Executive Director Coures: We're very excited about that project.

Councilwoman Robinson: Yeah, we are...Council as a whole is very excited and I had several Councilmembers call and said, "Please put money into this program".

Then I'm going go to #73.

President Adams: I would make a comment that that HOPE program is incredibly promising and could easily be the outsourcing for connections for disabled people for METS.

DMD Executive Director Coures: We've had...we've had extensive meetings with...

President Adams: Yeah.

DMD Executive Director Coures:...Pastor Turner.

President Adams: I didn't mean to interrupt.

Councilwoman Robinson: No problem. Pastor Turner's in the audience also.

Okay, #73; we're going to remove \$45,000 from #73 and out of that \$45,000 we're going to take \$22,500 to #83.

Councilman O'Daniel: So move half of it.

Councilwoman Robinson: Yes, I'm going...I'm going to delete that totally.

DMD Executive Director Coures: So the Rental Rehab for...

Councilwoman Robinson: Rental Rehab and we're going to put...use (*Inaudible*).

DMD Executive Director Coures: So Jane, zero out the Youth Build Program.

Councilwoman Robinson: No, Youth Build...the Youth Build is still there for \$60,000. Now this program, Advantix, is part of the Evansville Housing Authority.

DMD Executive Director Coures: Right, they use the Youth Build (*Inaudible*) do those projects.

Councilwoman Robinson: They also have their...they also have their own construction workers too so this is a prob...this is a program that they can also do so I think we would be better by using this money elsewhere.

Okay, so add \$22,5000 to #83 so that gives #83 a total of \$105,000, Jane.

President Adams: #83 is what?

DMD Executive Director Coures: Memorial New Construction.

Councilwoman Robinson: New Construction – Home Buyer.

President Adams: I'm trying to make it for the record.

Councilman O'Daniel: And then the other \$22,500.

Councilwoman Robinson: The other \$22,500 will go to #43, which is the Owner Occupied Rehab Program that CAPE has.

Councilman O'Daniel: And that brings that total to...?

Councilwoman Robinson: That brings...to \$77,500.

Councilman O'Daniel: Is it 77 or is...because it shows zero on the (*Inaudible*).

Councilwoman Robinson: It's on two pages. What you have to do, you have to...#43... they moved it over, I'm sorry, they moved it over to...go to your HOME and it's 43 on your HOME sheet.

Councilman O'Daniel: Right.

Councilwoman Robinson: Yeah. Look on your HOME sheet and you will see \$55,000 on there.

DMD Executive Director Coures: So you're blending HOME with CDBG for that Owner Occupied Rehab?

Councilwoman Robinson: Can't we do that? Because you took it from...you have in this category. You have...

DMD Executive Director Coures: Well, we just...we need to know...if you take it away from HOME, then it's not going to balance in HOME anymore.

Councilman O'Daniel: Well, should we move that 22 up to...just make that instead of 77.5, make it 22.5 and then the other 55 will be already in a line item somewhere, right?

DMD Deputy Director Reel: *(Off Mic) (Inaudible)*

Councilwoman Robinson: Yeah, *(Inaudible)*, yeah.

DMD Deputy Director Reel: *(Off Mic) (Inaudible)*

DMD Executive Director Coures: So it's all going to be HOME?

Councilwoman Robinson: Yeah.

DMD Executive Director Coures: Okay, alright.

Councilwoman Robinson: It'll be under HOME. Okay.

DMD Executive Director Coures: Okay. We hear rumblings that HOME is going to go away in 2017 completely.

Councilwoman Brinkerhoff-Riley: Well the block grant concept has not been great.

DMD Executive Director Coures: I don't think they'll kill block grants next year. I think HOME...what I Hope Partnership Investments Funds are dead.

Councilwoman Robinson: Okay, let's finish this. Okay, then we're going go down the Homebuyer Down Payment Assistance, #80; we're going take \$10,000 from the Homebuyer Down Payment Assistance, which is bringing that down to \$28,772...

DMD Executive Director Coures: For HOPE of Evansville?

Councilwoman Robinson: For HOPE of Evansville.

DMD Executive Director Coures: You're subtracting \$10,000 from HOPE...

Councilwoman Robinson: For \$28,772 because remember you only gave 'em...we reduced the amount we're giving 'em for new construction so we'll take the \$10,000 and put it in Down Payment Assistance for Memorial so each one of them will have \$20,000. HOPE will have \$28,000 for Down Payment and Memorial will have \$20,000 for Down Payment Assistance.

Councilman O'Daniel: Does that go into #84 then?

Councilman O'Daniel: Any other amendments?

Councilwoman Robinson: Yeah, I got one. Stephanie, I think you said you had one. I'll come back to mine.

Councilwoman Brinkerhoff-Riley: *(Off Mic)* Okay, I make a motion to remove \$12,000 and to zero out Counseling for Change for Jobs *(Inaudible)*.

President Adams: Could you speak up a little bit?

Councilwoman Brinkerhoff-Riley: *(Off Mic)* Okay.

President Adams: And I also would like to here, for the record, what we're moving it from to which.

Councilwoman Brinkerhoff-Riley: Yeah, I'm get...I'm sorry, my microphone wasn't on. I apologize.

I'm going...Counseling for Change, the Jobs Program, #18, has a...it was \$6,500 recommended by the CAC and \$12,000 by the Mayor. I'm going to move that all \$12,000...no sorry, \$10,000 of that is going to move to Counseling for Change, the Substance Abused Service, which is where they preferred to have it, and so they will...#11, Counseling for Change; Their Substance Abuse Services will have \$10,000 instead of zero. The remaining \$2,000 will go to #20, which is the Emergency Needs Pantry at CAPE and so that was \$5,000 currently and that will change to \$7,000.

DMD Executive Director Coures: Jane, did you get that?

DMD Deputy Director Reel: *(Off Mic)* Minus \$12,000 from #18?

DMD Executive Director Coures: Yes.

Councilwoman Brinkerhoff-Riley: And then move \$10,000 to #11; same agency, different program.

DMD Executive Director Coures: And \$2,000 to CAPE Emergency Needs Pantry.

Councilwoman Brinkerhoff-Riley: That's right.

Councilwoman Robinson: Okay.

DMD Executive Director Coures: The other thing I want Council to remember is that we budget these things with an anticipated cut in CDBG. Now in April when I go, hopefully, to the Director's Conference in Indy and I get the actual numbers that we'll have for 2016, the last two years I've brought back the numbers that we had the year before so we had that bump that we didn't have to take away. So there may be additional money that we can put towards agencies that may have suffered a little cut so that we could do the big New Hope project this year. So last year we...I came back and there was another something like \$70,000 that we actually didn't get cut as we anticipated.

Councilwoman Robinson: And then you're so great in...I compliment you in you're always able to find extra money somewhere so if you can continue...if you can do that for us in 2016, that would be great.

DMD Executive Director Coures: We have been looking. That's how we found a hundred thousand to give to Memorial's Market Program and we...I have put a...we have stopped that process because we're in our real busy time right now with in-processing invoices and sheets but we'll pick up the search for more CDBG probably after November.

Councilwoman Robinson: Okay. How much have you found this year?

DMD Executive Director Coures: Almost \$200,000 we've re-appropriated...

Councilman O'Daniel: Probably 250 I think...

DMD Executive Director Coures:...in prior years' money. It's more than that, isn't it?

Councilman O'Daniel: Yeah, 250 or 300.

Speaking Simultaneously

Councilwoman Robinson: Yeah, it's *(Inaudible)*. Congratulations.

DMD Executive Director Coures: Thank you, Councilwoman Robinson.

Councilwoman Robinson: Okay, then I have two more motions. I'm going to remove \$50,000 from #66. I know Kelley...

DMD Executive Director Coures: Wait...wait.

Councilwoman Robinson:...this is your...this a program that you have in your...the Rehab Program - Owner Occupied.

DMD Executive Director Coures: Where...I...which one are you moving?

Councilwoman Robinson: #66. From #66, I'm going to remove \$50,000.

DMD Executive Director Coures: Well that's the Core Neighborhood Rehab.

Councilwoman Robinson: Rehabilit...yeah, that you...it's the same...it's a duplicate of Memorial and CAPE is doing it but you do it in your office so...

DMD Executive Director Coures: Well we've made that available to Council.

Councilwoman Robinson: Yeah so, but now...I mean we're going to give it somebody else because you have so many projects that you're working on with the hotel and the... the hotel and the medical school.

DMD Executive Director Coures: We are never too busy to help people.

Councilwoman Robinson: I know, but we'll go ahead and let them take care of that I would think.

DMD Executive Director Coures: Now where...where are you moving it?

Councilman O'Daniel: Is it CAPE?

Councilwoman Robinson: Yeah, I'm going 50...I'm going to move it to #54 to Emergency Home Repair Program, the same thing that Memorial's already doing. We'll let them continue to do it instead of...

We'll take a...

DMD Executive Director Coures: So you're going to leave \$25,000 in the CORE Neighborhood Rehab?

Councilwoman Robinson: I'm going to give \$25,000 to Memorial.

DMD Executive Director Coures: Well no, you're giving 'em 50.

Councilwoman Robinson: I'm remove...listen please.

DMD Executive Director Coures: Okay. Yes ma'am.

Councilwoman Robinson: I'm going to remove \$50,000 from #66. You have \$75,000. I'm going to remove \$50,000. I'm going to take \$50,000 and give it to #54.

Councilman O'Daniel: *(Off Mic)* 350 then.

Councilwoman Robinson: Okay.

DMD Executive Director Coures: That's what I just said.

Councilwoman Robinson: Okay, then you have...

President Adams: #54 is what please?

Councilwoman Robinson: #54 is Memorial Emergency Home Repair Program.

President Adams: Thank you.

Councilwoman Robinson: Then I'm going to that 25...I'll go ahead and take the other 25 from you...

DMD Executive Director Coures: Well you're not taking it from me.

Councilwoman Robinson: I'm going take #66 from DMD doing that and I'm going give it to #63, to the Community Fresh Market.

DMD Executive Director Coures: Well we are appropriating that money this year.

Councilwoman Robinson: You gave 'em a hun...you have 'em a \$100,000. They needed \$200,000. I'm going to give 'em \$25,000 and hopefully all that will be collateral for them to use it as leverage for them to go to the bank to get some more money.

DMD Executive Director Coures: Okay.

Councilman O'Daniel: Alright.

Councilwoman Mosby: May I ask one question?

Councilwoman Robinson: Uh-huh.

Councilwoman Mosby: When we're moving money the DMD Core Rehab Program up to the Memorial CDC, do they both cover the same territory?

Councilman O'Daniel: Yeah, they cover the same territory...

Councilwoman Mosby: Okay, just making sure. Okay.

Councilwoman Robinson:...instead of...

DMD Executive Director Coures: Those are LMI...those are LMI (*Low to Moderate Income*) benefits. The individ...it's by the individual, not by where they live.

Councilwoman Mosby: Okay, I just wanted to make sure.

DMD Executive Director Coures: It's by the...it's the veri...the income verification has to be on the...

Councilwoman Mosby: Perfect.

DMD Executive Director Coures:...person that's receiving the service.

Councilwoman Robinson: So no one's losing their benefits. All we're doing is just having another agency take over.

Councilwoman Mosby: I just want to make sure because I know that some of my people from Second Ward have taking in (*Inaudible*). I just want to make sure that they were still going to be covered.

DMD Executive Director Coures: Oh yeah. You've had quite a few in the second ward.

Councilwoman Mosby: Had quite a few, yes.

DMD Executive Director Coures: And the Third Ward.

Well Connie, I'll miss you calling me.

Councilwoman Robinson: Well I'll still...

President Adams: We're not quite done here. Are you...are you?

Councilwoman Robinson: No, I still have some more.

Okay, I'm going to remove from #48...I'm going to remove \$35,000 from #48.

DMD Executive Director Coures: From Garfield Commons?

Councilwoman Robinson: Yes, and I'm going to add it to #57.

President Adams: And #57...

Councilwoman Robinson: I'm going to add \$20,000 to #57, which is the Healthcare Ministry. What?

City Clerk Windhorst: *(Off Mic)* \$20,000 to #57?

DMD Executive Director Coures: Mr. Danks, can I ask a question?

Councilwoman Robinson: Sure.

City Council Attorney Danks: Certainly.

DMD Executive Director Coures: Can I ask you, please think about that before you do it because we have issued Letters of Commitment on ECHO's behalf, appealing for...she's applying for tax credit subsidy for that property and that 150 for 2016 is part of that tax credit subsidy that we've...that we've already issued a letter of support of.

Councilman O'Daniel: Why would you issue a letter...

President Adams: Yeah.

Councilman O'Daniel:...prior to us authorizing it?

DMD Executive Director Coures: Because it...the letter says, "With authorization of the fiscal body".

Councilman O'Daniel: Okay.

DMD Executive Director Coures: But we've...I...

President Adams: Connie.

DMD Executive Director Coures: I would just ask you to keep it at 150 if at all possible, keep that at 150 because that...the capital stack that we're trying to put out there for Garfield Commons is critical in her application for tax credits for Garfield Commons, for those living units.

Councilwoman Robinson: Well, okay. I'm going stop right here because it might be some people that disagree with me. So the motions that I've already made, I want to go ahead and I'm making those motions and I need a second and I'm going

Multiples Speakers: *Speaking Simultaneously (Inaudible).*

Councilwoman Robinson: Yeah removing that.

Councilman O'Daniel: Removing the Garfield Commons.

Councilwoman Robinson: Removing the Garfield and I'm going to come back to it.

Councilman O'Daniel: Okay.

City Council Attorney Danks: Before you do, there are some people in the audience. Somebody wants to speak to that.

President Adams: Are we...would there...anybody like to make any comments about this? Wait a minute; is there any comments from the...

Councilman Weaver: Is Garfield veteran housing?

DMD Executive Director Coures: Veterans can live there.

Councilman O'Daniel: Well we're not there yet. That's not part of this. If there'...

Councilman McGinn: But I have comments.

Councilwoman Robinson: But we usually don't take comments on this but okay.

Councilman McGinn: Yes, I...

President Adams: We're going...we're going listen to this lady who wishes to speak.

DMD Executive Director Coures: Oh, I'm sorry.

Councilman McGinn: I thought you asked for comments from Council.

Councilman O'Daniel: *(Off Mic)* Yeah, I don't know. I'm not sure how that came out.

Michelle Motta: Thank you; Michelle Motta with VOICES. I know that that there were 39 programs and of the CDBG programs and four of them are being cut and I just ask you to think about that because we are advocates for nursing home residents and there is nobody else in Vanderburgh County that serves the nursing home residents; we are it, so I think it's a little bit interesting that we seem to be one of those that are singled out to cut our budget and I just...I really ask you, you know, please, please don't cut our budget. We're really small and it's so difficult for us to offset those funds and to raise them because of, you know, it's myself and it's a person who works 11 hours a week and with serving 19 nursing homes, 2000 beds, and doing fundraising and all the other Executive Director jobs there are, it's next to impossible to find a way to offset those funds.

And if any of you have looked for funds for elders, it's next to impossible. Kids, there's all kinds of funding but for elders there's really not anything out there so I really implore you to please not cut from what the Mayor recommended.

Councilman McGinn: If I may comment on...also too. I was going to speak about VOICES too. It's not warm and fuzzy; it's not kids and it's not animals; it's old people and this...the population that is served by VOICES is increasing daily. I mean, you know, us baby boomers are in our 60s and 70s and the nursing home population is going to explode in a couple years.

\$4,655 is a drop in the bucket; what is it? One day of bus services but it's 10% or 12% their entire budget, you know. And if we want to do bus service, I mean we might as...I'll bring this up now. I mean the state legislature has given us the opportunity to raise our Local Option Income Tax by .25% to fund public transportation. We have that option. You know that was done in order to make up for the shortfalls that are caused by the property tax caps. And so, you know, we have that entire option. Other cities are doing the same thing and yet we're taking 10% or 12% of the budget from an organization whose work is going to quadruple over the next 10 or 15 years as more of us reach, you know, nursing home time.

And then, I'll say this just as a personal thing, in 6.5 years, 6 years on this Council, I have only one time in my life asked that an amount not be cut and it was this one this year. Thank you.

Michelle Motta: Thank you.

Councilman O'Daniel: Thank you.

Councilwoman Robinson: You know, these are...these are difficult decisions and I know VOICES does a outstanding job. You know, we did take you back to what the CAC recommended and like we did a lot a agencies like that that the CAC recommended and then there was some agencies that the CAC did not recommend that we thought was important. And I'm sorry, I think bus serv...bus transportation is very important because people need to be able to get to work and they need to...and it helps the economy and it helps people feel better about themselves if they have a job and there's so many people out there that don't have transportation to get to work.

President Adams: Thank you ma'am. I think I would...I think I agree with my colleague to my left. I think there ought to be some way that we can find some funds for your...

Councilwoman Mosby: I agree as well. I...

Councilman O'Daniel: Well I think it's...

Councilwoman Mosby: They're all great programs but I did work in the healthcare industry for a while and I worked and went into nursing homes and I understand completely what she's saying. They're just...it's just kind of lost and we're all going to be there one of these days and, you know, we need to make sure that we not only protect our children but we need to protect those that have helped build Evansville what it is.

Councilwoman Robinson: Kelley, is there any more ex...any more money out there that you can find? We're only talking about \$4,000 more.

DMD Executive Director Coures: *(Off Mic)* It's a Public Service cap. We can't *(Inaudible)*

Speaking Simultaneously

Councilwoman Robinson: Yeah, that's right. I'm sorry. Okay.

Councilman O'Daniel: Well here's the other this is that, you know, there's always found money.

DMD Executive Director Coures: *(Off Mic)* But you can't break the Public Service cap; doesn't matter how much money you find.

Councilman O'Daniel: It's a percentage, right.

DMD Executive Director Coures: *(Off Mic)* It' a 15% cap on your CDBG.

Speaking Simultaneously

Councilman O'Daniel: It's a percentage, right. So if there's...

Councilwoman Robinson: *(Off Mic)* It might be...it might be agencies that don't even...*(Mic On)* It might be agencies that don't use all their money.

DMD Executive Director Coures: *(Off Mic)* But when I come back...when I finally get the numbers in April if we haven't been, like we anticipate, there would be additional money that Council could appropriate *(Inaudible)*.

Councilman O'Daniel: That's the point that was going to make is...

Councilwoman Robinson: Yes.

Councilman O'Daniel:...that if there was \$50,000, 15% of that is going to be \$7,500.

Speaking Simultaneously

DMD Executive Director Coures: *(Off Mic)* But you can't *(Inaudible)* money from another source and add to it.

Councilman O'Daniel: No, I understand that but that would be a...

Speaking Simultaneously

Councilwoman Robinson: No, no, but it might be some...

Councilman O'Daniel:...\$7,500 which could then go in to fund that.

President Adams: Kelley, could you do me a favor Kelley and remind us of that, this particular issue, when you come back with a full trough.

Councilman O'Daniel: Well I really think that if...if..

DMD Executive Director Coures: *(Off Mic)* *(Inaudible)*

Councilman O'Daniel: Notwithstanding the amendments aside but to say that, "Look, if there is found money that we would very much want VOICES to be funded to the Mayor's level if that money would come available but a lot of time we don't know.

DMD Executive Director Coures: *(Off Mic)* *(Inaudible)*...what I recommended to the Mayor is that we keep it to the prior years' level...

Councilman O'Daniel: Right.

DMD Executive Director Coures:...and so that's what the Mayor recommended.

Reverend Brooks: Adrian...

President Adams: Okay, yes sir.

Reverend Brooks: Adrian Brooks with Memorial Community Development. Because I understand the precarious position that Garfield Commons is in as they seek the tax credit application, and hopefully approval, I would ask that you please reconsider any decrease in that particular line because of the criticalness of trying to get those points that are needed to make that application successful and so we...that's one of our...

Councilwoman Robinson: Uh-hm.

Reverend Brooks:...one of my approaches in community development has always been to try to work with everybody in the community as best we can and we realize there's limited dollars and so if, you know, we really want to support Garfield Commons if possible and so I thought I would get speak on my colleague Stephanie's behalf...

Councilwoman Brinkerhoff-Riley: Last year for this application, we were able to use TIF dollars under sort of a creative plan that the...

DMD Executive Director Coures: *(Off Mic)* The TIF, you're talking about the Jacobsville TIF and what you're talking about is the parking lot that...

Councilwoman Brinkerhoff-Riley: That's right.

DMD Executive Director Coures: *(Off Mic)*...will serve the structure and that is still part of the capital staff that staff that ECHO Housing will be turning into IHCD so what the plan is for the parking lot to come back to the City, the City will spend Jacobsville TIF dollars to improve that parking lot and then deed that back over to ECHO Housing. That \$250,000 is still in the capital stack; this is outside of that.

Councilwoman Brinkerhoff-Riley: What's the total amount that we have to meet ? Is it \$300,000...

Speaking Simultaneously

DMD Executive Director Coures: *(Off Mic)* Half-million....half million.

Councilwoman Brinkerhoff-Riley: Half a million so...

DMD Executive Director Coures: *(Off Mic)* But we're almost there. This puts us...this finishes the capital staff.

Councilwoman Robinson: Okay, well I won't make...since he doesn't want the money and he wants to work in collaboration with Stephanie, I will not submit my last recommendation.

DMD Executive Director Coures: Thank you for saving me a heart attack.

President Adams: Do you want to make any comment about that?

Councilwoman Robinson: And in the future, Kelley, if you can just, you know, when you make that commitments when someone's having a tax credit, it would be nice if we knew so that we would...we could plan that away when we're trying that we know we can't take money away because you've already made a commitment with the, you know, trying to get the tax credit. That would help. That would help us as Council as we try to decide how to allocate the money.

DMD Executive Director Coures: *(Off Mic)* Well every letter that we send is stipulated, "With consent of the fiscal body".

Councilman O'Daniel: Well, but then you avoid situations like this where...and this is opposed and this is opposed and then somebody has to come to save the day.

President Adams: This is extra wrinkle. What were you going to say?

ECHO Housing Corp. Executive Director Tenbarga: Just want to thank Reverend Brooks for coming forward to support ECHO.

President Adams: Stephanie Tenbarga.

ECHO Housing Corp. Executive Director Tenbarga: And a...oh, I'm sorry. Stephanie Tenbarga, ECHO Housing. And hope that you will reconsider. We're really excited about the tax credit project. We feel we may have one of the highest scoring applications in the state with the new QAP (*Qualified Allocation Plan - Housing Tax Credit Program*) but what he's referring to is that your public financing from the City has to be 5% of the tax credit award for you to get the points and so we're looking at about an eight or nine million dollar award and we're pretty excited because not only will it be what Garfield Commons was originally going to be but there's going to be some lease/purchase homes added in the project, which will help with some of the blight elimination and infill in the neighborhood and so, again, every little penny helps so I...

President Adams: Thank you so much.

ECHO Housing Corp. Executive Director Tenbarga:...ask you to reconsider...

Speaking Simultaneously

Councilwoman Brinkerhoff-Riley: Where's the other...where's the other 150 going to come from? Last year you had left when...this is a...this is the second year for this application and last year...

Speaking Simultaneously

DMD Executive Director Coures: *(Off Mic)* You approved it last year...you approved it last year.

Councilwoman Brinkerhoff-Riley: I know but you've a...you've only accounted for about 400 of the 500 that's necessary through the TIF and this 150 here...where's the additional funds going to come from?

DMD Executive Director Coures: *(Off Mic)* It was approved last year.

Councilwoman Brinkerhoff-Riley: You mean you...?

Councilman O'Daniel: It's a carry-over.

Councilwoman Brinkerhoff-Riley: It was left over funds.

ECHO Housing Corp. Executive Director Tenbarger: Right.

DMD Executive Director Coures: *(Off Mic)* Capital, we can stack capital *(Inaudible)*.

ECHO Housing Corp. Executive Director Tenbarger: Right, but we're also *(Inaudible)*...

Speaking Simultaneously

Councilwoman Brinkerhoff-Riley: But that hundred thousand is already there.

ECHO Housing Corp. Executive Director Tenbarger:...bank funds for an additional 500.

Speaking Simultaneously

DMD Executive Director Coures: *(Off Mic)* You've already done it last year. You did it last year. *(On Mic)* These are very complicated. We have to keep track of a lot of different things for these types of packages to work out so you're...

Councilwoman Brinkerhoff-Riley: That's actually money that was left over from '13 then.

DMD Executive Director Coures: Thirteen. *(Inaudible)*

Speaking Simultaneously

Councilwoman Brinkerhoff-Riley: Is that correct? Okay, so you've just sat on for it to happen again in a new application.

DMD Executive Director Coures: But we earmarked it for this project...

Councilwoman Brinkerhoff-Riley: Okay.

DMD Executive Director Coures:...for the capital stack for her tax credit.

ECHO Housing Corp. Executive Director Tenbarge: And in the past I know we have gone in for a similar project but the previous QAP was very prejudicial against new construction; infill, and it's all been changed. They also now recognize our Byrne Grant so we get the federal revitalization points; I fought for that, so we feel really strong about this project.

President Adams: Good.

ECHO Housing Corp. Executive Director Tenbarge: We really do so we need your support.

President Adams: Okay.

ECHO Housing Corp. Executive Director Tenbarge: Thank you.

President Adams: Any other comments from anybody at Council?

Councilman Friend: Hey, do think they can get those credits? What's...

DMD Executive Director Coures: I'm sorry?

Councilman Friend: Do you believe they can be successful in those credits?

DMD Executive Director Coures: I believe they...I believe this is the year. I believe this is Evansville's year for tax credits. I think because Terry Keusch, he was here earlier, his proposal's in a different category than ECHO's. Terry Keusch, Pioneer Development, is a for-profit taxed credit developer. Their tax credits don't bump into to ECHO's. ECHO is a not-for-profit. That's why Te...that's why Pioneer Development doesn't ask for City participation is because he's a for-profit. I think this is our year.

Councilman Friend: This comes out of a HUD, doesn't it? Out of a...is this a HUD grant? I mean...

DMD Executive Director Coures: No, it comes out of the IR...it comes out of the Internal Revenue Service; tax credits.

Councilman Friend: Yes, it's probably the *(Inaudible)*.

Speaking Simultaneously

DMD Executive Director Coures: *(Inaudible)*...our Internal Revenue service dollars.

President Adams: Okay, any...

Councilman Weaver: So are we voting on this tonight or do we have time to digest this and maybe table it?

Councilwoman Robinson: *(Off Mic)* We're voting tonight.

DMD Executive Director Coures: You suspended the rules.

Councilman O'Daniel: We have to do all three tonight.

Speaking Simultaneously

Councilwoman Robinson: *(Off Mic)* We suspended the rules so we could vote tonight. I made the...that was my motion.

Councilman O'Daniel: I'll second that.

President Adams: Time out.

Councilman O'Daniel: Oh.

President Adams: I would like to ask for a motion to...for all these amendments. Is that what you're asking?

Councilman O'Daniel: *(Inaudible)*

Councilwoman Robinson: *(Off Mic)* That's what I asked for.

President Adams: All those in favor, please, of these amendments...

Councilman McGinn: Point of order...point of order, Mr. President.

President Adams: I'm sorry.

Councilman McGinn: Can we vote on these separately...

Councilwoman Mosby: *(Off Mic)* Separate.

Councilman McGinn:...because there are five or six motions together and I'm more than will to vote for all but one of them so I would move to amend her motion to separate

out the movement of \$4,655 from line item #16, which is VOICES to the...or I'm sorry. From line item...

Councilwoman Mosby: *(Off Mic)* #27.

Councilman McGinn:...#27, which is VOICES, to add it line item #19, which is New Hope CDC Bridge Builders Program so we can vote on that one separately because I do want to vote for all of your other ones?

Councilman O'Daniel: Is there any other...is there any other ones that you want to section out because maybe that's so...

President Adams: Why don't we have a motion where...we'll have a motion accepting all the changes except for the VOICES one.

Councilman O'Daniel: Exactly, that's the point.

Councilwoman Robinson: *(Off Mic)* The changes I recommended and the changes that Stephanie recommended.

Councilman O'Daniel: But for the VOICE.

Councilwoman Robinson: *(Off Mic)* Except for VOICES; we'll vote on that separate.

Councilman McGinn: That'll work for me.

President Adams: All those of the...of the changes, except for VOICES, please say aye. Alright, is there another motion about VOICES?

Councilman O'Daniel: Now...now it'd be your motion to keep the funding as it is for that.

Councilman McGinn: Yeah, I move that we keep the funding, VOICES, \$17,200 and that we keep the funding of the Bridge Builders Program at \$30,000.

President Adams: I second the motion.

Councilman O'Daniel: *(Inaudible)*
Speaking Simultaneously

DMD Executive Director Coures: *(Inaudible)* The Bridge Builders was increased to 39.

Councilman O'Daniel: It'd be 35 I think .

Councilwoman Brinkerhoff-Riley: *(Off Mic)* Bridge...you would take Bridge Builders, take \$39,155 from 46, so you would take it down.

City Clerk Windhorst: Just keep it?

DMD Executive Director Coures: Jane, are you writing all this down?

Councilman O'Daniel: No, it's just this...it's this *(Inaudible)*...

Multiple Speakers: *Speaking Simultaneously (Inaudible)*

Councilman McGinn: Yeah, or I can rephrase the motion. I move that we do not...
Speaking Simultaneously

Councilwoman Robinson: *(Off Mic)* You're recommending...you're recommending your motion is that you're taking Bridge Buildings from \$39,155...you don't want that 40...I was putting \$4,655 in Bridge Builders and you're taking it away.

Councilman McGinn: Yeah, that...

Multiple Speakers: *Speaking Simultaneously (Inaudible)*

Councilman McGinn: That'll be my motion.

President Adams: Okay, we have a motion and a second.

Multiple Speakers: *Speaking Simultaneously (Inaudible)*

Councilman O'Daniel: Okay, so it's actually her motion already.

President Adams: No.

Councilman O'Daniel: And then you just...

President Adams: This is a separate motion.

DMD Executive Director Coures: It's a separate motion.

City Council Attorney Danks: *(Off Mic) (Inaudible)*

Councilman O'Daniel: She's already made the motion though. She's already made the amendment.

DMD Executive Director Coures: You've already approved it.

Councilwoman Robinson: *(Off Mic)* I made a motion. I made a motion. His motion...
Speaking Simultaneously

President Adams: We've already voted. Time out, guys. We've already voted on her amendment...

DMD Executive Director Coures: Right.

President Adams:... positively. We are now voting on his amendment and we have to do that before we go to actual vote, roll call vote. Okay?

Councilwoman Robinson: *(Off Mic)* Okay, *(Inaudible)*.

Councilman O'Daniel: Well actually I think, just point of order, I think Connie had already made the amendment and so he asked...he asked to remove that from the total so it's actually Connie's amendment that we have to vote on. If he doesn't want to do that then he votes against it.

President Adams: I thought we'd already voted on it.

Multiple Speakers: *Speaking Simultaneously (Inaudible)*

Councilman O'Daniel: Those are the four; all but the one.

Councilwoman Robinson: *(Off Mic)* Now...now I need to make my amendment and *(Mic On)* I'll make my amendment and can vote on it or vote against it.

Councilman O'Daniel: I think that's...

Councilman McGinn: Okay, then if I made a motion earlier I will withdraw it until I hear what you say.

Councilwoman Robinson: Okay.

Councilman McGinn: I think we're okay now; we're starting fresh, right?

City Council Attorney Danks: I think so.

Councilman McGinn: Alright.

Councilwoman Robinson: My motion is to remove \$2,500 from #26, which was SWIRCA, and to remove \$4,655 from #27, which is VOICES, and remove and \$200.00 from #37.

Unidentified Speaker: \$2,000.

Councilwoman Robinson: \$2,000, I'm sorry, \$2,000 from #37 which comes to a total of \$9,155 and put it into Bridge Builders, #19.

Councilman O'Daniel: Okay.

Councilwoman Robinson: That's my motion; I need a second.

Councilman O'Daniel: Second.

Speaking Simultaneously

Councilman Lindsey: Second.

Councilman O'Daniel: Okay.

Councilwoman Robinson: You *(Inaudible)?*

Councilman O'Daniel: Yes.

Councilwoman Robinson: Okay.

President Adams: Okay, a...unfortunately I would like to vote on everything but VOICES but you've put these all collaged together so...

Councilwoman Robinson: Yeah, because I need to add because that was the allocation I'm trying get for Bridge Builder.

President Adams: Okay, alright. All those in favor? Opposed?

Councilman O'Daniel: Okay, so that fails.

Councilwoman Robinson: No, it passes 6 to...

Councilman O'Daniel: Four - five.

City Council Attorney Danks: You need a roll call.

Councilman O'Daniel: *(Inaudible)* I think it was four – five.

President Adams: Yeah.

Councilman O'Daniel: I think it was four – five.

Comment made prior to casting his vote:

President Adams: Well as much as I would like to vote more specifically, I vote nay. It passes.

ROLL CALL:

Aye: Brinkerhoff-Riley, Robinson, Friend, Lindsey, O'Daniel

Nay: McGinn, Mosby, Weaver, Adams

Councilwoman Robinson: It passes.

Councilman O'Daniel: Five – four; it passes. Okay, so now, with all the amendments, now we need to vote on the actual...

President Adams: The actual...

Councilman O'Daniel: The actual budget as it's...

President Adams: The actual ordinance.

Councilwoman Robinson: Okay, and let me *(Inaudible)*. Jan...Jane so you have Bridge Builders down for \$39,155. Is that correct?

DMD Deputy Director Reel: *(Off Mic)* Yes.

Councilwoman Robinson: Okay.

President Adams: I would strongly hope to be able to find some money for these...the VOICES people. And I know you...

Speaking Simultaneously

DMD Executive Director Coures: Well, it depends on the allocation.

President Adams: Time out. Wait a minute. I didn't want an answer I just wanted to tell you that.

Okay, do I have a motion on Ordinance F-2015-14?

Councilman O'Daniel: As amended.

City Council Attorney Danks: *(Off Mic)* As amended.

President Adams: As amended; excuse me.

Councilman O'Daniel: So moved.

Councilman Lindsey: Second.

President Adams: We have a motion and a second. Roll call please.

Comments made prior to casting their respective votes:

Councilman McGinn: I...I can't. I vote no.

Councilwoman Mosby: I can't either. I just think we should keep some money in there for VOICES.

President Adams: Well, I like the whole package except for one thing so I vote aye. I'm sorry, I know that sounds a little weird but I got to do it with a good conscience. Six - three; it passes.

ROLL CALL:

Aye: Brinkerhoff-Riley, Robinson, Friend, Lindsey, O'Daniel, Adams

Nay: McGinn, Mosby, Weaver

President Adams: So we have six (6) ayes, three (3) nays, Ordinance F-2015-14, which is this CBG thing...

DMD Executive Director Coures: Actually, now you need to vote on...did you vote on 15? Did we get the market?

Councilman O'Daniel: *(Off Mic)* That'll be the last one.

City Clerk Windhorst: Oh that's...yeah.

Councilman O'Daniel: *(Off Mic)* That'll be the last of this section.

DMD Executive Director Coures: Okay.

President Adams: Okay, thank you.

Councilman O'Daniel: *(Off Mic)* Let's keep things in *(Inaudible)*.

DMD Executive Director Coures: Okay.

President Adams: So we're on Page 14.

DMD Executive Director Coures: But you suspended the rules for 15 also.

President Adams: Page 16; we'll get there.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

RESOLUTION C-2015-11

FINANCE

O'DANIEL

A Preliminary Resolution of the Common Council of the City of Evansville Declaring an Economic Revitalization Area for Property Tax Phase-In for the Construction of Real Property and Installation of New Equipment - Old Evansville Brewery Development, LLC ("OEBD")

President Adams: Is there a motion to adopt Resolution C-2015-11?

Councilman Weaver: So moved.

Councilman O'Daniel: Second.

President Adams: We have a motion and a second. Roll call please

ROLL CALL:

Aye: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Friend, Lindsey, O'Daniel, Weaver, Adams

President Adams: Nine (9) ayes, zero (0) nays, Resolution C-2015-11 is hereby declared adopted

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

RESOLUTION C-2015-12

FINANCE

O'DANIEL

A Preliminary Resolution of the Common Council of the City of Evansville Declaring an Economic Revitalization Area for Property Tax Phase-In for Redevelopment Located at 607 East Iowa Street, Evansville, Indiana - Carpenter Court, L.P. (c/o Pioneer Development Services, Inc.)

President Adams: Is there a motion to adopt Resolution C-2015-12?

Councilwoman Brinkerhoff-Riley: So moved.

Councilman O'Daniel: Second.

President Adams: Okay, we have a motion and a second.

ROLL CALL:

Aye: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Friend, Lindsey, O'Daniel, Weaver, Adams

President Adams: Nine (9) ayes, zero (0) nays Resolution C-2015-12 is hereby declared adopted.

Councilman O'Daniel: Okay, now we'll do Kelley's.

City Clerk Windhorst: Yeah.

Councilman O'Daniel: Yeah.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE F-2015-15

FINANCE

O'DANIEL

An Ordinance of the Common Council of the City of Evansville Authorizing Appropriations of Funds within Various Departments

Councilman O'Daniel: And this is the hundred thousand that was found for the Market Garden?

President Adams: What?

DMD Deputy Director Reel: *(Off Mic)* What's the *(Inaudible)* to the one I gave you?

DMD Executive Director Coures: Yes sir.

Councilman O'Daniel: Any other discussion on this since we really never had it beforehand?

DMD Executive Director Coures: I'm sure Pastor Brooks would be happy to answer any questions and specifics about what the market is going to be producing, what they're going to sell. We're very excited that Memorial CDC has that shopping center now because we really think it's going to be a lift to that...what used to be a real thriving commercial corridor between Lincoln School and the downtown. If you partner that with the African American Museum across the street, I don't think it can miss.

Councilman O'Daniel: Okay.

Unidentified Speaker: Awesome.

President Adams: Any comments please from City Council?

Councilman O'Daniel: None.

President Adams: Any remonstrators? I'll entertain a motion.

Councilman O'Daniel: So moved.

Councilman Lindsey: Second.

President Adams: We have a motion and a second. Can we have a roll call please on 2015-15?

Question asked before casting his vote:

Councilman McGinn: This is 2016?

DMD Executive Director Coures: A...'15.

City Clerk Windhorst: '15.

Councilman McGinn: Oh, 15. Aye.

DMD Executive Director Coures: This is 2015 dollars.

ROLL CALL:

Aye: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Friend, Lindsey, O'Daniel, Weaver, Adams

President Adams: That passes nine to (9) zero (0). This is obviously adopted.

RESOLUTION DOCKET

RESOLUTION C-2015-13 DOCKET FINANCE McGINN

A Resolution Authorizing the Temporary Transfer of Funds for Cash Flow Purposes

Councilman O'Daniel: I'd speak on this real quick. I really think...this is really more of a finance kind of ordinance. It did not go through the Finance Committee. I know that there's certain ways and methods that we can do this but this seems to circumvent the

normal process of things where you take out of one fund and put it into another. I think there's also some problems that I have as it relates to the communication between the Administration and...and really myself as Finance Committee, or Finance Chair, but also other individuals on this Council. I'm frankly disappointed. I, you know, we have asked for information concerning the cash balances, a spending plan for a year and we get a budget that was two million dollars more. We've given inf...you know, we've given certain recommendations on cost cutting measures to be ignored.

Frankly, there's some information I'd like to see. I'd like to see what cash investments have been liquidated at this point. What the need is. What the actual amounts are before I even consider authorizing any transfer of monies from Riverboat funds, which we have a resolution dating back to the bringing of the boat in that says, "Shall not be used for operations". Shall not. And I understand there's...there's some indication that there's...well, this is really tax dollars or special tax dollars. This is Riverboat money and whether you call it a loan or otherwise it's being used to fund operations and I want to know more about this.

Now, how we do it, you know, whether we have a special...whether we have a special meeting next week on this issue or whether we table it for two weeks until we get some more information. I'm open to that. I, you know, I don't want to put anybody out but I think this is an important thing and not knowing what the need is and not having any sort of information, I'm just terribly uncomfortable do that so I guess my motion is to table this at this point and I'll listen to other folks as to what...whether we should have a special meeting or bring it up again on the 28th.

Councilman Friend: If I may...if I may add I think the article that was in the paper here the other day, I mean really it's kind of a bum...a bump because what we've be seeing in this ordinance that we came up with, it was to get a lot of transparency between these transfer of funds. A lot of these were always in the past, were always going unnoticed because they were on the same bank account and I think this is...this is a process not...it has nothing to do with...it's not personal by any means.

What I noticed real quick, we just got the July financial statements when we got our packet on Friday and what I noticed very quickly that the difference between the General Fund of a year ago to the General Fund of this year went up by seven million dol...negative by seven million dollars in a 12-month period of time. I don't know if anybody noticed that or not. It was 3.4 million negative in July of 2012 and now we're up to almost 10 million dollars 12 months later. And then on top, if you look at the...if you look at the Parks Fund it was positive \$600,000 a year ago and it's negative \$500,000 now; a swing 1.1 million dollars.

Now what I'm seeing is this in this particular fund we got TIF money. The TIF money dropped from 5.1 million a year ago to 1.9 million this year. That's almost a three million dollar drop. That is bigtime money we have here and we get this thing on a Friday before we get into this thing. I...I'm just baffled by it all and the fact of it is these funds and all it looks Wall Street; this why Wall Street got into problems. It was no transparency and I think this city needs...we...we need some have...some information. For instance, we asked the Administration about two years ago to give us Four-B analysis of the projections on fund balances. I have yet to ever see a Four-B analysis. Has anybody seen a Four-B analysis on it? Have you?

Unidentified Speaker: No.

Councilman Friend: No, we haven't had that. I mean it's...it's...it's cash management and it's hard for me and I think Conor here and I think a lot of us here not knowing that 90 days ago we should have known, especially when we got the July statements and you saw the July statements and you saw such a big swing in a 12-month period of time. Huge amounts of money here between Parks Fund, the TIF funds, and the General Fund you're talking about nearly 11 million swing in cash balances...

Councilman O'Daniel: Well, and John...

Councilman Friend:...in 12 months.

Councilman O'Daniel:...it's...and it's not only that but all we've been told over the last year was, "We are not in financial dire straits", that, "We have 300,000 at the end of last year, we have 900,000 at the end of June". Well, you know, we sounded the alarm.

Councilman Friend: Right.

Councilman O'Daniel: We said, "Look, we think there's over encumbrances that they're not paying", and it turn out in July they paid 11 million dollars of fees or of expenditures which annualizes about 130 million dollars and that's on a 85 million dollar budget so clearly they were holding things and I think that's part of the cash management but this is the things that we need to look...

Councilman Friend: Yeah.

Councilman O'Daniel:...we need to know because clearly the cash crunch did not occur in the last 10 days. This is something that had to have been known for some period of time.

Councilman McGinn: May I interject here? I mean we're...

Councilman O'Daniel: Yeah...

Councilman McGinn:...we're talking about two different things here. I mean let's compare apples to apples and oranges to oranges. I mean this is brought...really, the authority is Indiana Statute 36-1-8-4, which says that the fiscal body...I mean we can permit the transfer of an amount for a prescribed period to a depleted fund in need of money for cash flow purposes from another fund if we determine that these things are met. You know, a necessity to borrow money to enhance the depleted funds; sufficient money on account. The prescribed period; the length of this loan from your savings account to your checking account. It must end before the budget year. The transfer amount must be returned to the other fund and revenues from special taxes or property taxes can be used.

Councilman O'Daniel: Except that...

Councilman McGinn: I mean those are the conditions what we met. This...the State knew that cities and towns who have bills every month yet only receive their tax dollars two or three times a year are going to have to have a mechanism to tide them over till they get the money. I know for a fact from speaking with the Controller today that we're getting 25 million dollars...like 12.5 in November and 12.5 in December. That's property taxes that we counted as revenue in our 2015 budget that we're entitled to spend but we don't have it yet and so this statute says you can do it. There's even a special fund set up, which is a tax anticipation fund, where you can borrow up to 90% of funds you want to borrow...

Councilman O'Daniel: That's right.

Councilman McGinn:...that you think you need. We're only borrowing 8% or 9%.

Councilman O'Daniel: Well, but here's the difference.

Councilman McGinn: You know, I mean this is a different thing. We need money to pay the bills. Controller needs to come up here and state whether or not...

Speaking Simultaneously

President Adams: Hold on (*Inaudible*). Alright...

Councilman McGinn:...we're going to be able to meet our bills unless we have this resolution now. We're doing exactly what this body told the...wanted the Mayor to do. If we have to transfer money from one account, one of our savings accounts, to our checking account, which I did today, by the way, to pay my bills, you know, which I'm sure a bunch of other people in the audience did sometime this year. We have to

determine whether or not we need the money to pay the bills. If you guys still...we can continue to argue about savings plans and budgets and that talk's still going on but it is a totally different situation in moving money from those accounts, temporarily, till we get our property tax dollars of 25 million dollars in November and December.

Can we pay our police officers? Can we pay our firefighters? Can we pay the electric company? That's all...that's what we have to determine.

Councilman O'Daniel: It's a question of need though too and they've not shown me they need it. We...

Councilman Weaver: Salaries are needed.

Councilman O'Daniel: We did...we did a...

Councilman McGinn: Let's ask.

Councilman O'Daniel: We had Russ do...we had Russ do a study last year when we were preparing this for September, October, November, December and with investments it never got into what would otherwise be Riverboat, arena bonds fund, police and fire pension or rainy day. If we would have liquidated those, which is what they said was going to cost us \$75,000 in revenue a year which is just one side of the ledger or the other; you're still investing the same amount of money.

Councilman McGinn: Yeah but this way we don't...we don't have to liquidate anything. We just move it.

President Adams: Hold on a sec...hold on a sec. Let one (*Inaudible*).
Speaking Simultaneously

Councilman O'Daniel: The point is is they're just telling us they need it now and they've not consulted with us. They never said anything that we had a cash-crunch coming or looming. They...they've...they've not. They've not said that there's a cash-crunch looming.

Assistant City Attorney DeLucio: You...you've been...but the Council has been saying that for months.

Councilman O'Daniel: We have said it and we've been refuted by...by the Administration that...

Assistant City Attorney DeLucio: It has not been...

Councilman O'Daniel:...there's not a problem.

Assistant City Attorney DeLucio: It has not been refuted. I think we told you when the ordinance was passed back in May that we were going to be back in front of you because we were going to need to move funds that have moved in the past by other...by other mayors, other administrations, probably since the City was organized, to move funds from one account to another account...

Councilman O'Daniel: That's right.

Assistant City Attorney DeLucio:...Councilman O'Daniel...

Councilman O'Daniel: One account.

Assistant City Attorney DeLucio:...and that's what we're seeking to do today is to move those funds from...essentially what's in the account. There's plenty of money in the Riverboat account. There's plenty of money in the Rainy Day account to move those funds over so that they can be used to pay current expenses for public safety, pay the City's bills and move forward. And in November and December replenish those funds.

Councilman O'Daniel: And if we don't...

Councilwoman Mosby: May I ask a question?

President Adams: Time out, time out. I'd like to ask a very simple question here. Don't you need some to get the Rainy Day funds out from the State? Doesn't the State have to approve any kind of move from...from the...

Assistant City Attorney DeLucio: I think today that we can...we...we need this authorization today...

President Adams: Yeah.

Assistant City Attorney DeLucio: We believe because there was an ordinance passed back in May, those funds were available to us so that we could use those in order to pay current operating obligations.

President Adams: That doesn't answer my question. I asked...

Assistant City Attorney DeLucio: Do we need...the Rainy...the Rainy Day...

President Adams: It does not...when you take money out of Rainy Day fund...

Assistant City Attorney DeLucio:...Are you going to take...

President Adams:...don't you have to get approval of the State?

Assistant City Attorney DeLucio: And you're are going...I think we do. We do need money from the State but we also have the funds in the Riverboat. It's not going to be spent on day...

President Adams: So they've already asked the State for the transfer?

Assistant City Attorney DeLucio: We will ask the State for the tran...

President Adams: And how long will it take?

City Controller Lloyd: *(Off Mic)* A week.

Assistant City Attorney DeLucio: A week.

President Adams: That's interesting because a couple years ago we asked for \$155,000 from Rainy Day and it took three months. I'm impressed that you could do it in a week. The thing I have about this, and this may be just semantics to you guys, is that is quote, unquote, the second payment of this year but actually it's the first payment for next year. This money's coming out of the January property fund, is it not?

Assistant City Attorney DeLucio: No, it's coming from...it's coming from...the funds will be replenished in November and December.

President Adams: No, no. I get that. I'm trying to...the funds that are going to replenish this, we got paid January and July, right?

Assistant City Attorney DeLucio: No.

Councilman O'Daniel: No, no, no.

Assistant City Attorney DeLucio: I think we get paid in November and December.
Speaking Simultaneously

Councilman O'Daniel: June and December actually.

Assistant City Attorney DeLucio: And then...

Councilwoman Mosby: June and December, yes.

Councilman O'Daniel: June and December.

Assistant City Attorney DeLucio: June and December.

Councilman O'Daniel: It's June and December.

Councilwoman Mosby: And property taxes are pay...are arears so it's...

Assistant City Attorney DeLucio: They're in arears.

Councilwoman Mosby: Yeah.

Assistant City Attorney DeLucio: And these expen...the funds that are being spent...we don't have a spending issue, we're spent...everything is allocated as within the budget that was approved by the Council, advocated by the Mayor last year.

Councilman O'Daniel: Well...

Assistant City Attorney DeLucio: There isn't...there isn't any more spending out there than what has been approved by...

Councilman O'Daniel: Well...

Assistant City Attorney DeLucio:...by you all.

Councilman O'Daniel: Well, here's the thing...I mean the budget and I mean this is one reason why maybe we need a special meeting but here's the thing: I don't think anybody wants us to go in and say, "The budget will equal what the expenditures are", okay? I think what we do is we have always given the mayor, this mayor and prior administration...and prior Councils have given the mayor a...a wide range to spend because it includes all salaries whether they're filled or not and so there's always a cushion there. We approved an 85.7 million dollar budget last year and we expect the mayor, through management, not to exceed what the anticipated revenues are going to be, which is somewhere in the 79 million dollar range. And so you can't spend more than what you bring in and that's always it.

Now, if this mayor, if this administration, is going to criticize us for making a budget too big, I'm pretty sure that there's enough of us here who can say, "You know what, if revenues are going to be 80 million then that's all you're going to get", and I don't think anybody wants that.

Assistant City Attorney DeLucio: Nobody...nobody is criticizing the Council for anything.

Councilman O'Daniel: Oh, I'm pretty sure we are accused of micromanaging *(Inaudible)*.

Speaking Simultaneously

Assistant City Attorney DeLucio: *(Inaudible)* It is...it is...it is micromanaging compared to what other cities do, compared to what's been done in the City in the past.

Councilman O'Daniel: Do other cities have a resolution that say that the Riverboat funds cannot be used for operations?

Assistant City Attorney DeLucio: The other city...most other cities don't have a Riverboat fund.

Councilman O'Daniel: Hammond does not...Hammond does not.

Speaking Simultaneously

Councilman Friend: *(Off Mic)* Hammond doesn't. They do not.

Councilman O'Daniel: Hammond, they're running...their revenues *(Inaudible)* used for anything.

Speaking Simultaneously

Assistant City Attorney DeLucio: And the funds are...the funds are going to be moved over and they're going to be replenished so they're not being used...

Councilman O'Daniel: For operations.

Assistant City Attorney DeLucio: They're not...they're going to replenished in November and December.

Councilman O'Daniel: It doesn't matter. They're still be used for operations.

Councilwoman Mosby: May I...may I ask some questions?

President Adams: Please.

Councilwoman Mosby: Please. Couple a questions just to clarify because I'm having people texting in and texting in asking what's going on.

This has been, in the past, this has been done and money has been transferred in order to cover until we get this money from property taxes.

Assistant City Attorney DeLucio: Absolutely.

Councilwoman Mosby: It's happened time after time and after time again and I've been on Council, this is my seventh and a half year, and I know we've done it in the past. But there's been a new ordinance that was passed that it...that makes you have to come in front of us to do this, correct?

Assistant City Attorney DeLucio: The Council...

Councilwoman Mosby: Because people are asking, "Why is this now, all of a sudden, a problem?"

Assistant City Attorney DeLucio: The Council has asked for transparency in the past during...during the current mayor's administration in past years, prior administrations; all of the...all of funds were into one account and they would use, just like I use my check...

Councilwoman Mosby: Exactly.

Assistant City Attorney DeLucio:...my savings account to replenish my checking account in between my paychecks.

Councilwoman Mosby: Okay, but now...

Assistant City Attorney DeLucio: And it's exacerbated here because the bulk of the City's funds comes only twice a year. I get paid ever couple a weeks.

Councilwoman Mosby: Exactly.

Assistant City Attorney DeLucio: And so it's much harder to administer those funds and these funds have always been in the same checking account. This year, in May, they were segregated out because the Council wanted some transparency to know when those funds were being moved. We're here in front...

Councilwoman Mosby: Okay.

Assistant City Attorney DeLucio:...of you today to tell you that time has come. I talked to the City Controller's Office.

Councilwoman Mosby: I'm not finished.

Assistant City Attorney DeLucio: It happens every year about August and it's going to happen again in March or April.

Councilwoman Mosby: And the funds we're talking about...

Assistant City Attorney DeLucio: Hang on. The funds we're talking about are the property taxes that...that will be coming in when the November payments are due.

Assistant City Attorney DeLucio: That will be used to replenish everything...

Councilwoman Mosby: Okay.

Assistant City Attorney DeLucio:...that is moved...

Councilwoman Mosby: Which we've done...

Assistant City Attorney DeLucio:...from the Riverboat and the Rainy Day.

Councilwoman Mosby:...year after year after year.

Assistant City Attorney DeLucio: Year after year.

Councilwoman Mosby: My next question...

Councilman O'Daniel: We've never approved it.

Councilwoman Mosby: Hang on, I would like to talk.

President Adams: Please.

Councilwoman Mosby: My next question is if we don't do this, this is going to impact payroll, it's going to impact our public safety, it's going to impact our citizens, our City employees that have families that they need to take care of.

Assistant City Attorney DeLucio: Yeah, it's...the funds need to be put into the account so that we can continue to pay the bills that the City has, whether it's Vectren or anybody else, gas bills, electric bills, employees, public safety, insurance...

Speaking Simultaneously

Councilwoman Mosby: Public safety, our police officers, our firefighters, our City employees that depend upon us to make sure they have a paycheck.

Assistant City Attorney DeLucio: And we're here tonight to tell you...

Speaking Simultaneously

Councilman Weaver: This next paycheck *(Inaudible)*

Assistant City Attorney DeLucio:...we're moving those funds over. That's what you asked us to do and that's why we're here tonight. We told you back in May that we were going to be before you. I didn't know what the date was going to be; it just happens its September the 14th.

Councilwoman Robinson: *(Off Mic)* What's the...

Councilman Friend: If I may...if I may add one thing: One thing that has really got me concerned about is I went back since I...since I been on this Council. I've kept every one of my Blue Books. I don't know if all you have done this or not. I got every one of 'em and I looked back and I see July and under the prior administration I saw balances like 11 million, 16 million dollars in the General Fund in July.

Now when the...when the property tax caps hit in 2009 it dropped from 16 million to down to 11 million but Weinz...Mayor Weinzapfel had a strong, positive balance in that General Fund to the tune of 11 million dollars. You go and look at em; you'll see it.

Now I see today, we're at 10 million dollars negative. That's a 20 million dollar swing from the time when Weinzapfel was running this joint and now all of sudden we're up to 20 million dollars that we have not had one spending plan brought before this Council. Now when this happens...when this happens...now...now I know he's brought it up there; I went back and looked at it. We have lost 47 million dollars in total amounts of funds based upon the State Board of Accounts when it came out on 1/1 of January of 11...of January 1st of 2012 to December 31 of 2014. That fund balance in the totality's dropped by 47 million dollars. These numbers are on the website; you can see 'em.

I am scared. This is scaring the bejeezus out of me because I don't think we're going to be able to get out of this fund when we get to 1/1 of '16 because they're going have to turn right around again...what are you talking about?

Assistant City Attorney DeLucio: I don't...no, I'm not sure what you're talking about...
Speaking Simultaneously

Councilman Friend: I'm saying we get...we...I...*(Inaudible)*.

Assistant City Attorney DeLucio:...but I'm sitting there and I see there's 52 million dollars in the...City is controlling 52 million dollars right now. It has the Water & Sewer Department that has another 125 million.

Councilman Friend: That's a different...that's a different...that's a different deal.

Assistant City Attorney DeLucio: It is a different entity but the City has 52 million dollars in cash, right now, and what we're simply trying to do is to, for cash flow

purposes, to move the funds from one account, which is the savings account, which you asked us to create, which we did create, into the checking account so we can continue operations.

Councilman Friend: Then why did we *(Inaudible)*...

President Adams: Hold on. John, John...

Assistant City Attorney DeLucio: And I would tell you too...

President Adams: Hold on a second...hold on a second. My colleague has a question. We can...we can play this...

Assistant City Attorney DeLucio: Sure.

Councilwoman Robinson: Marco, what is the sense of urgency? Does this have to be done right away.

Assistant City Attorney DeLucio: It...it does and now what I will tell you is the...we're asking for the eight million dollar transfer. That's not going to be spent tomorrow or next week. That takes you through the end of October when the tax payments start to come in so I think there's a payroll coming up Russ, September 25th or so to the...for the...

City Controller Lloyd: *(Off Mic)* It's public safety.

Assistant City Attorney DeLucio: For the public safety. That's critical and, you know, you want...you want to be able to do that. You want to be able to pay your bills as they come in.

Councilwoman Robinson: And I understand that, being a business owner myself and always wanting to meet payroll, but how long...it seems like the sense of urgency. When did you discover this problem?

Assistant City Attorney DeLucio: Ah, you know, we told you back in May that we were...

Councilwoman Robinson: Well, how did you prepare for it? I mean now that it's a sense a...it seems like a sense a urgency that we need to vote on this tonight.

Assistant City Attorney DeLucio: Well I think...I think there was a meeting in the Mayor's office and I think Councilman O'Daniel, you were there in the Mayor's office. They told you that this was coming a week and a half ago.

Councilman O'Daniel: We were at...we were at a budget meeting talking about the budget...

Assistant City Attorney DeLucio: Right.

Councilman O'Daniel:...in general terms and he said, "Oh, just the heads-up. We're going to be asking for a transfer on the 14th".

Assistant City Attorney DeLucio: That's correct.

Councilman O'Daniel: Now, he didn't say it would be by resolution. I thought it was going to be by finance ordinance which is the way normal business runs in this...in this...in these halls, that's the way the normal business works.

Assistant City Attorney DeLucio: Well, but this...

Councilman O'Daniel: We're asking for money moved here to here, First Reading; Second Reading on the 28th. We have not been given any data as to what the current balance is, how much has been liquidated out of investments because, as Russ would know, you may not have been privy to it but one of the things that I said when we were proposing this ordinance back in April, at least the amended ordinance, was that you'll just have to liquidate those assets. Liquidate those investments, put it into short-term investments through the Hoosier Fund or whatever it may be, use it all down and that's why we had 'em do that analysis from last year showing that we weren't going to need to get into it.

Assistant City Attorney DeLucio: Why...why would...why would we do that when start to liquidate CD's. Number 1, you're losing the interest accrual, and that's not substantial.

Councilman O'Daniel: Actually...

Assistant City Attorney DeLucio: You have a...you have a penalty on that when you liquidate some CDs early. Why would you do that when you have plenty of funds that you could move from one account to the other?

Councilman O'Daniel: Because you would invest...you would invest the Riverboat money, which is for capital projects and that's the money that would continue to be

be. And it would also force some fiscal restraint on the part of the Administration when they're dealing with things.

Assistant City Attorney DeLucio: *(Inaudible)*

Councilman O'Daniel: That's something we have not been privy to one bit. When we asked for a spending plan, well we got one. It was a spending more plan...as Steve Schaefer sat...he's smug...and he's being over there smug right now...but we said, "When is the spending plan going to be shown to us?" He said, "You'll see it in the budget". Now, that's out of his words. We talked to Dan Hedden last year, probably back in July or August...

Councilman Friend: July.

Councilman O'Daniel:...and, on the phone, he talked about, "Well yes, you're right. We need to have a spending plan", and so for 13 months we've been waiting for it and now we find out in a meeting with the Mayor, "Oh, by the way, our cash is low and we're going to come and ask for it", and not been shown anything. And in fact, the only thing we get...the only thing we get is a Blue Book, which gives our July 31st numbers. We don't know what August 31st is. We don't know what today is.

Assistant City Attorney DeLucio: Well you don't know what August 31st is because it's nothing...

Councilman O'Daniel: But we should know if you're saying that there's a cash crunch and we need it today, then you know what? That means the Controller's Office knows how much money's in the bank. It may not be reconciled but you know how much is in the bank. Just as you would say with your checking...

Assistant City Attorney DeLucio: It not...it's not going to change between now and whenever you decide to do it, Councilman O'Daniel. The fact of the matter is that every year, every year, in every administration, there's been a cash-crunch, as you call it, in the August timeframe.

Councilman O'Daniel: But it's never been a problem because we've overspent by 25 million dollars in the last three years.

Speaking Simultaneously

Assistant City Attorney DeLucio: No, it's never been a problem before because the Controller's Office had the ability to move funds from one account to the other, which you took away from us.

Councilman O'Daniel: And we had...and we had 25 million dollars more this time four years ago.

Assistant City Attorney DeLucio: I think that's...

President Adams: Okay...please.

Councilman Weaver: It's never been this *(Inaudible)*.

City Controller Lloyd: Real quick. On the 29 million, John if you recall, in the 2011...a bunch of that was arena bond money that was sitting in those funds.

Councilman Friend: Well no, no, I went back and looked at that. When I...when I went back and looked at that and I pulled that out and I reconciled to that deal; I pulled all of that out of there. What occurred was it came down to an 80-84 million dollar number, okay, and we're sitting after three years later, we're sitting at 71 million but you got to take mil...10 million out there because you borrowed 8.4 million from Old National Bank plus you have the bond of that...on that new outfit coming into Jacobsville. That's another 1.2 million. That's 10 million so you stick that out there; we went from 85 million down to 61 million in three years.

Councilman McGinn: But where did the money come from? I mean if we're asking...

Councilman Friend: They're not collecting the money, Dan.

Councilman McGinn: Where did the...you're talking about this account in 2011. Where did the money come from to buy those properties on Main Street? Where did the money come from to pay the 10 or 12 million dollars to buy the hotel back after we paid somebody 10 or 11 million dollars to tear it down? I mean that's where the money went, John, we can track it. We had to spend it in order to get the downtown hotel.

City Controller Lloyd: You know one of the things, if you recall, in 2012 this Administration took the Water & Sewer money that was in the one account, moved them to their own separate accounts...

Councilman McGinn: Right.

City Controller Lloyd:...which was...the State Board has asked the City to do for many years, that was the recommendation. If that hadn't a been done we wouldn't be here because all that money would be in that one account.

Councilman Friend: It's kind a like a Ponzi game because it happens within the...

City Controller Lloyd: I wouldn't call it Ponzi. Well, what you talking about? Well, for instance, Russ you went over there to the Utility Department at the end of last year and took 2.5 million from them, took it over here, and nobody on this Council even knew about that.

City Controller Lloyd: 2.4.

Councilman O'Daniel: The pilot.

Councilman Friend: Two point...was 2...around 2.5 million and if you hadn't done that we'd been upside down in the General Fund. Not one person on this Council knew about that. Now is that not a Ponzi scheme? I don't know what it is.

City Controller Lloyd: On a...I mean you've recommended before that if the General Fund runs short that the City should look to borrow Riverboat or use Riverboat to offset the...

Councilman Friend: That...that was in...that was in the Audited Financial Report when the State Board of Accounts said that we, by law, should not be negative in any bank account, General Fund account, and your response to them, I read it, said that we had the options to in and borrow those funds.

City Controller Lloyd: Right.

Councilman Friend: I mean that was your comment to the State Board of Accounts; I read it. It was...it's clearly in the...in the response back to the State Board.

City Controller Lloyd: Right, but that's subject to Council approval...

Councilman Friend: Well I understand that.

City Controller Lloyd: Just like any borrowing would be.

Councilman Friend: I guess the irritation is we don't hear much from you guys over there until we have a fire going on.

City Controller Lloyd: I talked to the County Auditor the other day. Their General Fund's minus five million. I mean this is not unique to Evansville. In September, October, local government runs short until they get their property tax money. I gave you that cash flow forecast.

Councilman O'Daniel: Yeah, I mean...and that's what I've got from back in...

President Adams: Okay guys...

Councilman O'Daniel:...in March.

President Adams: I'd like somebody else to talk for a minute.

City Controller Lloyd: Oh, sure.

Councilwoman Brinkerhoff-Riley: Okay look, I know we got to make payroll but let me explain to you my irritation. I got this app call Pandora, right, and periodically through the day I got to listen to a commercial that Lloyd Winnecke says, "I've spent less money than City County has budgeted every year". And what drives me crazy about that is because it's a distraction of irrelevance. You and I, all of us know that we inflate revenue and expenditures to submit up to a State agency so that we can get the highest tax rate possible and collect the most revenue possible because we've got property tax caps, we've got people that don't pay, so we pass false numbers. We do it like every other city. The system makes it do it. We throw up revenue and expenditure numbers and then we back into that through a tax rate and typically collect 10%, 15% less than what we've estimated as revenue and so when we pass an expenditure number, that's a favor to you because if I...if we were to pass an expenditure number that actually tracked revenue as we really believe it to be, you wouldn't collect it because the tax rate would be set on that lower number of expenditure and you'd actually collect less than that so we inflate those numbers.

You know we don't...no mayor is spending what is budgeted in expenditures because it doesn't exist. It doesn't come in as revenue to spend so...I mean that's a grand distraction and a red herring but when I look at the 2012, 2013, 2014 Annual Reports, this Administration spent more than it took in in the General Fund and when you add up that overspending, you know, 3.5 million in '14 if you adjust for the 2.5 that we borrowed out of the next year; 2.7 million over spending in '13; a couple million in '12. I mean there's your money. There's your cushion. There's your eight million that you could be floating your budget with right now and so although I understand that inevitably we have to do this, we get tired of hearing that we pass budgets and you come in and you spend less than what we budget. You're supposed to. The revenue doesn't exist to do that and we can't adjust anything in real time. We don't see these Blue Books til 60 or 90 days later. You know, if we were using the accrual method of accounting, like in 2012, like that annual report, you would know our position in terms of what was coming in terms of our expenditure you know.

And you're borrowing, you know, you say that you've got 52 million dollars floating around out there. Why would we need to get into our rainy day fund then? I mean why would even do that since that requires us to contact the State and that doesn't make any sense to me because the COIT and Riverboat funds that are budgeted for 2015, I mean the revenue that we're taking in this year in COIT and Riverboat, we're also spending. In fact, 2015 spends more COIT than we take in according to the budget because we have a little bit of surplus.

So the frustration is in the game that gets played out there in the public to win an election or to create a façade that everything's going great and it...but it doesn't change the fact that you're spending more than you take in in revenue and that's what this is really about you know. They're your annual reports that show you spent more in total expenditures and when we cry about property taxes that's only 60% of your revenue. So these, "Oh, we only get our money in two annual installments"; that's not true. I mean 40% of your revenue comes in in a constant stream rather it's permits or people going to the zoo or riding the bus. I mean we have 40% of our budget that isn't tied to these two tax payments and we can't make payroll.

Assistant City Attorney DeLucio: Everybody has expenses. I have expenses. It takes 100% of my income to pay my expenses so whether it's 60% or 55%, I'm not even going to argue about that, Councilman Brinkerhoff-Riley. It's simply...it's simply a matter of this: There are funds avail...there are funds available that the City could use in order to pay its operating expenses.

Councilwoman Brinkerhoff-Riley: No, no. I get it!

Assistant City Attorney DeLucio: It's that straightforward.

Councilwoman Brinkerhoff-Riley: We're tired of the accusations that are made...

Assistant City Attorney DeLucio: Nobody is...

Councilwoman Brinkerhoff-Riley:...in the media and the picture that is painted out there in this political campaign that is completely inaccurate and fails to acknowledge that you're spending more than you take in in revenue on the civil side of the budget. That's really what my frustration comes down to is I get tired of hearing it: "Well you budgeted it", and we all know that that's not an accurate argument. It's not even about those budget numbers because we all know they're not real. I mean you're floating a budget for '16 that's 87 million dollars in expenditures, 89 million in revenue and we all admit here in the hearings that we'd be lucky to collect 80 million. So those revenue and expenditure numbers aren't real...

Assistant City Attorney DeLucio: We are...

Councilwoman Brinkerhoff-Riley:...and I'm tired of getting beat over the head with them.

Assistant City Attorney DeLucio: We are working with the Council right now on the budget for next year.

Councilwoman Brinkerhoff-Riley: I'd like an accounting of the 52 that's available. Where's it at; what is it?

Assistant City Attorney DeLucio: We can do that and the fif...not all of that, and the reason it's coming from the Rainy Day Fund and the reason it's coming from the Riverboat fund is not all that 52 million is available to use for operating expenses.

Councilwoman Brinkerhoff-Riley: Sure, you got pension.

Assistant City Attorney DeLucio: Our point is...

Councilwoman Brinkerhoff-Riley: You got TIF.

Assistant City Attorney DeLucio: Our point is the Council has continuously...I mean we're talking...if we're talking politics and election the impression being given is that the City is broke. The City is not broke.

Councilwoman Brinkerhoff-Riley: So how much of the 52 is...that you were just talking about how the City has in cash, how much of that is actually available for operations?

Assistant City Attorney DeLucio: Well, there's 14...roughly 12.9 million, I think, in the Riverboat fund right now. There's 2.9 available in the Rainy Day fund. Those are the two funds that we're looking at.

Councilwoman Brinkerhoff-Riley: So it's not 52 million.

Assistant City Attorney DeLucio: The City has...it is 52 million. The City does have 52 million in cash.

Speaking Simultaneously

Councilwoman Brinkerhoff-Riley: Yeah, but obligated. But it's ob...and it's obligated or it's restricted from your use because it's got another purpose.

Speaking Simultaneously

Assistant City Attorney DeLucio: Some of it is. Some of it is.

Councilwoman Brinkerhoff-Riley: So what you really have available is roughly 16...15... between 15 and 16 million.

Assistant City Attorney DeLucio: Those are the two funds...those are the two funds that we are looking at.

Councilwoman Brinkerhoff-Riley: Okay, but I asked you what really available out of the 52 for operations.

Assistant City Attorney DeLucio: I couldn't te...I can't tell you those two funds right now.

Councilwoman Brinkerhoff-Riley: Okay.

Assistant City Attorney DeLucio: I couldn't tell you if that's the extent of it but I do know that those two funds are available for use in order to fund operations, and if you want to...

Councilwoman Brinkerhoff-Riley: Seems kind of...

Assistant City Attorney DeLucio:...if we want to continue to operating...

Councilwoman Brinkerhoff-Riley: No, no. I get it.

Assistant City Attorney DeLucio:...those funds need to be utilized.

Councilwoman Brinkerhoff-Riley: But it seems kind of sad that in a budget this big that what we can scrounge together to pay our bills is 16 million and three million of that is our Rainy Day fund.

Assistant City Attorney DeLucio: But that...all of that...all of that is short term because it's now September the 14th. Those funds are going to be coming back in 60 to 90 days. It's a short term movement of funds that have been done every year; every year until this year and I get it. You know, this was passed. They...you've asked for some transparency; we're giving you the transparency, we're coming before you now and telling you we need those funds from those accounts to move 'em over. In the past that wasn't done, whether it was a republican or democratic administration it was wasn't done.

Councilwoman Brinkerhoff-Riley: No, you're right.

Assistant City Attorney DeLucio: *(Inaudible)*...come from the Sewer Department before...

Councilwoman Brinkerhoff-Riley: It's just gotten worse.

Councilman O'Daniel: That's right.

Assistant City Attorney DeLucio: I don't think it's gotten worse; I think it's the same.

Councilwoman Brinkerhoff-Riley: You're overspending on an annual basis; it is getting worse. I mean we've watched the General Fund balance go down. You could...only through a manipulation of the numbers were you able to end last year on an even number, on a positive number, or hit your mark on June 30th.

Assistant City Attorney DeLucio: You know the fif...

Councilwoman Brinkerhoff-Riley: You just get tired of fighting against an argument that somehow these problems don't exist. They obviously do. You're right; we've always borrowed these funds to operate but the need has gotten worse and we need them more often. And these are funds that are slated for capital projects.

Assistant City Attorney DeLucio: And it's going to be used for capital projects. Will they be used for capital projects in the 90 days?

Speaking Simultaneously

Councilwoman Brinkerhoff-Riley: Well not if they're paying our payroll.

Assistant City Attorney DeLucio: Probably not. There isn't anything out there.

Councilman O'Daniel: But then they're going to be obligated the next year or the year after that or...or *(Inaudible)*

Assistant City Attorney DeLucio: But those funds are going to be back in no later, and I think the resolution says that, no later than December 31st; probably be back in before then.

Councilman O'Daniel: And then in April we'll be asking the same thing, or March.

Assistant City Attorney DeLucio: Probably.

Councilwoman Robinson: So what you're saying...Missy's not the only one that's getting texts from her constituents. I just got one and they want to know is our City going to remain solvent.

City Controller Lloyd: Yes.

Assistant City Attorney DeLucio: Yes.

Councilwoman Robinson: With the funds being depleted...

Speaking Simultaneously

City Controller Lloyd: I mean there's no question about that.

Councilwoman Robinson:...will we be another Detroit?

City Controller Lloyd: I mean some of the 52 million, I can just go down the list: Motor Vehicle/Highway \$705,000; Local Roads & Streets \$1.7 million; DMD Economic Development \$879,000; of course the Rainy Day...

Councilman O'Daniel: And I assume that you've used that, right?

City Controller Lloyd: But as part of all the cash available to the civil city in those funds...

Councilman O'Daniel: Yeah, so borrow from there.

City Controller Lloyd: I mean the Jacobsville is in that fund. It's restricted to use in Jacobsville, 3.8 million...

Councilman O'Daniel: Well it's just a loan.

City Controller Lloyd: Local Income Tax, 4.6 million.

Councilman O'Daniel: It's just a loan.

Assistant City Attorney DeLucio: Well, what is the problem with moving it from the Riverboat fund to the Rainy Day fund into the account whether it...what...what...call it whatever account you want to call it.

Councilman O'Daniel: Because one, we have a...we have a resolution, predates me, it says, "It shall not be used"... "Shall not be used for operations". I don't care what...you can call it a loan or otherwise, this is used for operations.

Assistant City Attorney DeLucio: And it has been since...since...since the *(Inaudible)*.

Speaking Simultaneously

Councilman O'Daniel: Which is exactly why we asked to segregate it because we wanted transparency because we've been told, well let's see, last year at this time we were told that people were...

Assistant City Attorney DeLucio: Why...why...why now?

City Controller Lloyd:...invading the pensions and so we said, "No more, we can't have that. We need to get those out of there", and Administration agreed. Keep the pension separate. Secondly, we need to *(Inaudible)*...

Speaking Simultaneously

City Controller Lloyd: Well we didn't agree that we're being invaded. We just...we agreed to separate 'em.

Speaking Simultaneously

Councilman O'Daniel:...the Rainy Day fund. We did want...that's alright; you agreed to it because it made a lot of sense.

Councilman Weaver: So Conor, what's your solution?

Councilman McGinn: Yeah.

Councilman O'Daniel: Stop spending money like it's going out of style.

Councilman Weaver: So how are we going to pay the police officers and firefighters?

City Controller Lloyd: I mean 87% of the General Fund is personnel so are you saying lay off people?

Councilman O'Daniel: Can we go get a loan, a separate loan?

Assistant City Attorney DeLucio: From where?

Councilman O'Daniel: A bank if we are in that good a situation, or the State, or the State Revolving Fund.

Councilman Friend: Well they do have...they do...

Councilman O'Daniel: Or the bond bank.

Assistant City Attorney DeLucio: But why would we do...

Councilwoman Mosby: Why do we do that?

Assistant City Attorney DeLucio: Why would do that when we have the funds available that we can take care of that now? Why? I don't...

Councilman O'Daniel: Because if we give *(Inaudible)*...

Assistant City Attorney DeLucio: If my checking account is on zero, I don't go to Old National Bank to borrow money; I move it from my savings account.

Councilman O'Daniel: But here's the thing: If I've got a savings account to, let's just say buy a washer and dryer for a thousand bucks, okay?

Assistant City Attorney DeLucio: Right.

Councilman O'Daniel: Or two thousand bucks...

Assistant City Attorney DeLucio: Right.

Councilman O'Daniel:...and I know what my rev...I know what my income is and I look at my expenditures and they exceed my revenue every month, every year. Guess what? When I borrow from savings that I'm trying to save for a new washer and dryer, at the end of the year it's not there anymore and that's what the Riverboat fund is supposed to be because we are looking at a project for the zoo.

Speaking Simultaneously

Assistant City Attorney DeLucio: That's not what we're...that's not what we're...

Councilman O'Daniel: This mayor has talked about Roberts Park. We've talked about...

Assistant City Attorney DeLucio: It's not in the budget this year.

Councilman O'Daniel: Not this year but the thing is you've got to save money in order to do big projects. We've talked about Mesker Amphitheater. We've talked about, you know...

Councilwoman Robinson: The land bank, 1.5 million.

Councilman Friend: Land bank, yeah.

Councilman O'Daniel: You know I mean it never ends and the problem is if you...if you allow the invasion of these funds, which are earmarked for capital projects, or what I would like to earmark for capital projects, if we start getting into it once then you know what? Then the second time's a lot easier, then the third time. It's every March.

Assistant City Attorney DeLucio: You've been doing it since 1995.

Councilwoman Mosby: And it gets paid pack.

Assistant City Attorney DeLucio: But what's the *(Inaudible)*?

Councilman O'Daniel: There was...there was not...it was not since 1995.

Assistant City Attorney DeLucio: Well that's when the Riverboat...that's when it started.

Councilman O'Daniel: That's right.

Assistant City Attorney DeLucio: Before it was 1995 and you borrowed from the...from the Water & Sewer Utility.

Councilman O'Daniel: And Mayor McDonald...and Mayor McDonald was diligent in making sure that that money was put aside and not to be used.

City Controller Lloyd: *(Off Mic) (Inaudible)...*Rainy Day fund *(Inaudible)*.

Councilman Friend: And by the way, let me ask you one thing. Out of that money that the Mayor says, 10 mill...almost 10 million of that is police and fire pension money. I'm looking at it right here. Yes it is. I'm looking at it here. He's counting that within the system. Now that's the other thing you get in. You also have State...

Speaking Simultaneously

Assistant City Attorney DeLucio: You mean the 50...part of the 50?

Councilman Friend: I'm saying that...

Assistant City Attorney DeLucio: There's all kinds of money in the 52 million.

Councilman Friend: I understand that but part is...you got about almost 20% of it in the police and fire pension funds. Now in the past we've making payroll on that until this Council took...took...

Assistant City Attorney DeLucio: Oh no.

Councilman Friend: Yeah we did, yeah we did because they liquidated. I talked to the State Board of Accounts about this. We only need one million dollars in liquidity in those investments. We were running 3.5 million many times. I've watched this. Trust

me, I did and that...we had almost 2.5 million dollars of police and fire pension money out there making these checks good.

Assistant City Attorney DeLucio: That's not what we're talking about today though *(Inaudible)*.

Councilman Friend: Well I know but they was saying that's part of that 52 and that's not and you got that in there.

Assistant City Attorney DeLucio: There...

Councilman McGinn: I have one more thing. May I add one more thing?

President Adams: Sure.

Councilman McGinn: I just, you know, I'm retired now but I have to still be a lawyer and I'm going to the statute: "The money can only be temporarily transferred for a prescribed period. The prescribed period must end during the budget year in which the transfer is made". So we can only borrow it...the longest we can have it is till December.

Speaking Simultaneously

President Adams: So what happens...what happens if...

Speaking Simultaneously

Councilman O'Daniel: From who?

Speaking Simultaneously

President Adams: What happens...

Speaking Simultaneously

Councilman McGinn: From another account within the City.

Speaking Simultaneously

Councilman O'Daniel: From another fund.

Speaking Simultaneously

President Adams: Time out. Dan, what happens if it doesn't get paid?

Speaking Simultaneously

Councilman O'Daniel: State Revolving Fund.

Councilman McGinn: Well, it says, "The amount transferred must be returned to other fund at the end of the prescribed period", and...

President Adams: What happens if...

Assistant City Attorney DeLucio: And that's what our resolution asks for.

Councilman Friend: It's locked up.

City Controller Lloyd: *(Off Mic) (Inaudible)* Make an emergency petition *(Inaudible)*.

President Adams: Got cha. Okay, I'd like to hear what this young lady has to say.

Councilman McGinn: I mean, who's to...

Councilwoman Robinson: *(Off Mic) (Inaudible)*...financial expert?

CFO of Water & Sewer Utility Collins: No, I don't claim to be the financial expert but I just want to make it clear that, you know, for years the General Fund does run negative come around August and April of every year until the funds are deposited from the County government for the taxes and that's all I...that's the point I want to make.

Councilwoman Brinkerhoff-Riley: This General Fund's been negative since July.

Councilman O'Daniel: Jenny, when this administration started, I think Russ, you'll back me up on this, 9.9 million dollars in LIT is what we had?

City Controller Lloyd: *(Off Mic) (Inaudible)*

Councilman O'Daniel: Now so, if the General Fund shows a negative 9.9 we had LIT at 9.9 and so that's a net zero so we still had money there. We never had to invade Riverboat.

CFO of Water & Sewer Utility Collins: Yeah, and I...I'm not going...

Councilman O'Daniel: We never had to invade Rainy Day.

CFO of Water & Sewer Utility Collins:...I'm not making that statement. I'm not saying that we used Riverboat in prior administrations because...

Councilman O'Daniel: You didn't.

CFO of Water & Sewer Utility Collins: I'm not...but, exactly, we didn't but what I'm saying is that the General Fund runs negative and it runs negative throughout the state.

Councilman O'Daniel: We understand that but there's always enough money in other funds, like LIT, like Local Roads and Streets, like, you know, there's 40 different funds that go into the one account and so, you know, Parks is in that as well. Well, unfortunately Parks is negative a half a million, right? And the reverting fund is negative and there's a lot of negatives on there right now and we get that and the problem is when you were the controller we didn't have that problem because we had enough

money to cover all of the deficiencies the General Fund would face come September or March.

CFO of Water & Sewer Utility Collins: Right, and I haven't done that analysis to see where we would have covered it from. I just...I'm merely here to support the case that property taxes on the General Fund do run negative throughout the year based on the fact that we only get property taxes twice a year.

Councilwoman Brinkerhoff-Riley: *(Off Mic)* And did you used to...?

Councilwoman Robinson: You were the controller. Did you use Riverboat funds?

CFO of Water & Sewer Utility Collins: I can't say that I used Riverboat funds and I can't say that I didn't. I mean all the money is in the same checking account so I didn't use one fund over the other.

Councilman O'Daniel: Well let me ask you this. Did you have enough money in other funds so that the Riverboat money would never have had to been touched?

CFO of Water & Sewer Utility Collins: I didn't make...I...I can't answer that question because I didn't look at it that way.

President Adams: But we had...

CFO of Water & Sewer Utility Collins: We had a checking account with all the funds.

President Adams: We had the...we had the Big 50 fund.

CFO of Water & Sewer Utility Collins: Yeah, that...

City Controller Lloyd: *(Off Mic)* Including Utilities back then.

CFO of Water & Sewer Utility Collins: And the Utilities was in there also so I can't stand up here and made that statement because I don't know at this time but the only... like I say I'm just up here to let you know that it runs negative every year at two periods during the year and it will stay negative until the property taxes come.

President Adams: Okay, what else...what else do we want to talk about it tonight? I mean...

Councilman McGinn: I want...one year when I was a department head under a previous administration we discussed in weekly cabinet meeting and money was borrowed from the Water Department to tie it over until the November payment was made.

Councilman O'Daniel: So let me ask you this...

President Adams: A friend of mine was on that board at that time and they did transfer money out of Water to the City for a couple of months. .

Councilman O'Daniel: Okay, so let me ask you this. Can the Water Department make that transfer now?

President Adams: No.

Councilman O'Daniel: No?

Assistant City Attorney DeLucio: Not...because its separated out.

Councilman O'Daniel: Exactly, just like Riverboat now separated out.

Assistant City Attorney DeLucio: These have accounts...these accounts have been separated out...that was separated out because of a recommendation make by the State Board of Accounts. The State Board of Accounts made that recommendation because they said at the time that the City funds available out of the Riverboat account to cover these kinds of shortfalls that occur simply because the system is set up only to pay the City a couple a times a year.

Councilman O'Daniel: Well they said it...they said that differently. They said it should be set up separately because it's a separate entity and we shouldn't be comingling that money.

Assistant City Attorney DeLucio: But they also said that that...the impact of that, because of the City, like was...she just told you, the funds all went into one account and, you know, which account did it come out of? I don't know. When I put in checks for my thing I don't know if it's a check from Ziemer, Stayman, Weitzel and Shoulders or some check from someplace else.

Councilman O'Daniel: So you know, the thing is the arena bond fund is in there, the Rainy Day fund, the Riverboat, you know, what would the bond underwriters say if we said, "You know what? We got eight million dollars in the arena bond fund. Let's take it out of there and let's pay our payroll"?

Assistant City Attorney DeLucio: What would the bond underwriters say if we don't make payroll or don't continue to...don't continue to pay our vendors when the bills come due?

Councilwoman Brinkerhoff-Riley: What about...

President Adams: Okay, hold on a second.

Assistant City Attorney DeLucio: I don't think that's going...I don't think that that's going to any good either.

Mr. DeLucio, if I may?

Assistant City Attorney DeLucio: Yes.

City Council Attorney Danks: Councilman O'Daniel is correct. I mean typically this would be filed as a finance ordinance. We would have First Reading tonight and then it would...then it'd be set off until the Council meeting, roughly two weeks from now, for the Council to vote on it. And the purpose of that is so they can digest it, they can ask questions, they can get answers and that type of thing. I...but I think that it's legal to do it by resolution. I think a problem that some members of Council have is that this was filed last Wednesday. They don't receive their packets, typically, until Friday or sometimes Monday morning and it's a request for roughly an eight million dollar transfer so I'm under the impression that the Council would like to have more time to kind of find out what's going on and why it's...I understand generally why it's needed but I think that some members of Council, what they don't understand, is why it wasn't done by way of ordinance; why a resolution so it has to be passed in one night? And so I guess my question is what would be the harm if this was...was to be put off until the next Council meeting? Are you indicating that payroll can't be met? I mean is it that low that you can't wait until the next Council meeting?

City Controller Lloyd: Let me...a couple of quick points: In 2004 the Council took up a resolution to borrow money from the Utility; five million dollars, and they suspended the rules and did it all in one night and that was in...

City Council Attorney Danks: I assume that was an emergency of some type.

City Controller Lloyd: Well the only one that would have been on the Council then was Connie. That's a couple years ago.

City Council Attorney Danks: But anyway, I guess my...but again my question is what would be the harm, and I'm not being argumentative or anything,...

City Controller Lloyd: Right.

City Council Attorney Danks:...but it might resolve the issue.

City Controller Lloyd: Well, like...

City Council Attorney Danks: What would be the harm if it's set off til the next...do you have enough money in operating account?

City Controller Lloyd: The City would have to liquidate investments and the ones that will really suffer would be the vendors of the City because we would have to concentrate on making the payrolls and vendors wouldn't get paid.

President Adams: Well can you wait one week?

City Controller Lloyd: I mean we can wait.

City Council Attorney Danks: Can you make payroll?

City Controller Lloyd: Yes. Yeah, that's no problem.

President Adams: I mean I don't know about Council but I'm willing to come back here next week and...

Councilman Friend: Yeah I think a special meeting is in order.

President Adams:...and you give us some time to...it really is kinda odd that you didn't go through the usual channels on this thing through this Finance Committee, to tell you the truth.

Chief of Staff Schaefer: Well if...if I can just comment.

President Adams: Please.

Chief of Staff Schaefer: I mean you all are members of the Finance Committee.

City Controller Lloyd: Right.

Councilman O'Daniel: Well there's actually mem...there's actually three, technically.

Councilman Friend: Three, yeah.

Chief of Staff Schaefer: But you're all members of the Finance Committee.

Speaking Simultaneously

Councilman O'Daniel: *(Inaudible)*...that's true.

Chief of Staff Schaefer: We...we note...the Mayor, however you want to say, he mentioned it. He mentioned it on September 4th. Have you had any...

City Council Attorney Danks: In passing. We didn't see anything. We didn't the amount.

Chief of Staff Schaefer: You were seated; we were talking about budget issues...

President Adams: But he didn't give us a number. He just said it's coming.

Chief of Staff Schaefer: Yes, he said...

President Adams: *(Inaudible)*...he did not give us a number.

Chief of Staff Schaefer: Okay, so that was September 4th...

President Adams: And he certainly didn't say what fund it was coming from either.

Chief of Staff Schaefer:...and I don't think...has anyone called the Controller...

Councilman Friend: Did you call this man?

Chief of Staff Schaefer:...and ask?

Councilman Friend: Did you call him during this thing?

Chief of Staff Schaefer: We notified to say it's coming; it's being filed.

Councilman Friend: We didn't see anything.

Chief of Staff Schaefer: We said it's being filed; we filed it. There's been no...no one had a question at that point so why now.

Councilwoman Robinson: *(Off Mic)* When you say...no one is talking about those two. What about the other ones? What *(Inaudible)*?

Speaking Simultaneously

Councilman O'Daniel: I think I said, "Don't be so sure".

Chief of Staff Schaefer: Well, we figured that the Council...we figured that the Finance Chairman would *(Inaudible)*.

Councilman Weaver: Can we stop the political grandstanding, Mr. President?

President Adams: We can...we can play the game what we said and what wasn't said.

Chief of Staff Schaefer: Well, I'm just saying September 4th...so now we're going to *(Inaudible)*.

President Adams: The bottom line is what do you want to do tonight?

Chief of Staff Schaefer: We'd like to pass it.

City Controller Lloyd: Let me point a couple things out. The cash flow projection that I gave Councilman Friend showed about a four million shortfall in the end of September and about 3.5 at the end of October.

Councilman Friend: Russ, why did you give that to me? Why did I get that cash flow?

City Controller Lloyd: I sent that to you...was it Saturday?

Councilman Friend: Yeah, it was 5:00 Saturday evening. I been working all day, you know, so Sunday, you know I spent a little family time so I mean I had today. I got...I got deadlines tomorrow; you know what's going on tomorrow, so I'm to my...my behind in...in all kinds of work. I don't have time to go through all this stuff. And I think Councilman...ah...ah...he just got it tonight.

Multiple Speakers: *Speaking Simultaneously (Inaudible)*

City Controller Lloyd: The other thing...

Councilwoman Brinkerhoff-Riley: I ask a question: what do cities do that don't have Riverboat? I mean if this has existed forever...

Speaking Simultaneously

Multiple Speakers: *Speaking Simultaneously (Inaudible)*

Councilman O'Daniel: *(Inaudible)*...takes a loan, don't they?

City Controller Lloyd: They do a tax anticipation loan.

Councilman Friend: Yeah.

Councilman O'Daniel: Yeah.

Councilwoman Brinkerhoff-Riley: I mean we've had the Riverboat since '95. I mean lots of cities don't.

Assistant City Attorney DeLucio: Again I would ask why we would go borrow the money *(Inaudible)*...

Speaking Simultaneously

Councilwoman Brinkerhoff-Riley: I'm not encouraging you to. I'm just curious because we're...look, I get what we have to do; I never said I wouldn't do it. I just am angry at sort of the way the situation or...came up and having to listen to all the politicalization and the competing; the, you know, "We don't have a problem", when obviously we do. But there are plenty of cities. I mean if everybody gets a shortfall and everybody only gets paid in two tax installments as you claim, then there's plenty of cities doing something else.

City Controller Lloyd: Well the Indiana Bond Bank has numerous cities they do like tax anticipation loans.

Councilman O'Daniel: Right.

Councilman Friend: Yeah.

City Controller Lloyd: Yeah.

President Adams: Well...

Councilman O'Daniel: So that's an option.

President Adams: Can you...can we do just a regular...

Speaking Simultaneously

Councilwoman Brinkerhoff-Riley: But why do we do that?

Assistant City Attorney DeLucio: Again, again, again it's an opt...sure it's an option. We could do that but again, we're sitting here with the cash available. Why would we go and go to that expense to borrow the money and pay the interest on *(Inaudible)*?

Councilman O'Daniel: Because it doesn't create any discipline in how you spend the money. That's really what it comes down to. There's no discipline that's created.

Speaking Simultaneously

Assistant City Attorney DeLucio: The money is...the money is...

Councilman O'Daniel: If you have to go borrow from somebody else now you know you got to pay it back.

Assistant City Attorney DeLucio: The money is being spent...and then you heard Russ tell you that 87% of the General Fund goes to employees and most of those employees, a big chunk of 'em, are public safety employees. So, you know when you talk about fiscal discipline...

Councilman O'Daniel: And what has happened over the last two years to try to trim that number? What's spending plan has been presented to try to trim that number knowing that you're going to go negative.

City Council Attorney Danks: Well part of that has to do with healthcare insurance...
Speaking Simultaneously

Councilman O'Daniel: We're working on it? It's been two years.

Assistant City Attorney DeLucio:...and efforts are being made to do that. You're negotiating contracts. You're not giving raises that you would like to give to City employees. All those things *(Inaudible)*.

Councilman O'Daniel: Well this mayor's asked for another percent knowing that we don't have the money for it. I mean that's what we're getting. Let's give it away and force *(Inaudible)*...

Speaking Simultaneously

Assistant City Attorney DeLucio: I think I heard somebody on the Council suggest there ought to be 2% so I mean...

Councilman Friend: Yeah.

Councilman O'Daniel: That's true.

Assistant City Attorney DeLucio: I mean, you know, you want to...you want to reward your employees. A 1% is below the cost of living. You want to be able to continue to keep the employees and keep them competitive so you don't lose them.

Councilman O'Daniel: Until you can't afford the numbers that we have.

Assistant City Attorney DeLucio: Well.

Councilman O'Daniel: And then...then you're talking instead of 280 police officers or 270 firefighters; you're talking about 10% reduction across the board...

Assistant City Attorney DeLucio: Again, this is...this is...

Councilman O'Daniel:...because now you have to lay 'em off.

Assistant City Attorney DeLucio: I don't think this is anything different than what was...

Councilman Weaver: I'm not advocating that.

Councilwoman Mosby: I'm not advocating that either.

Councilwoman Robinson: *(Off Mic)* Have we taken any money from...*(Mic On)* Have we taking any money from the fire and police pension to pay bills?

Unidentified Speaker: *(Off Mic)* No.

Assistant City Attorney DeLucio: No.

Councilman Friend: They can't now because they...we separated that.

Councilman O'Daniel: Separated.

President Adams: Oh, in a little bit of an attempt to sort of get some closure here would you be willing to come back and give us time to digest of why we need this and so forth like that? Would you want to come back in two weeks or would you think it's of an emergency nature that you would want us to come back in one week?

City Controller Lloyd: *(Off Mic)* I don't think it's an emergency but two weeks is going to be...

Councilwoman Mosby: But I don't want you to be borrowing from...

President Adams: We're not borrowing.

Councilwoman Mosby:...taking out loans...

Councilman O'Daniel: We're not borrowing *(Inaudible)*.

Councilwoman Mosby:...doing things like that.

Multiple Speakers: *Speaking Simultaneously (Inaudible)*

Councilman O'Daniel: We haven't (*Inaudible*) be paid.

President Adams: Hold on a sec, hold on a sec, please. Please, say what you want to say.

Councilwoman Mosby: Thank you. You know, my concern is if we wait two weeks and you mentioned, "Oh yeah, we can pull it out of this or pull it out of that". I hate for us to lose more money taking out a loan or doing this when we've got money sitting there and you're going...there's an agreement that that's going to be put back in once we get that money.

Assistant City Attorney DeLucio: Yeah, I don't...

Councilwoman Robinson: But Missy, he said he wouldn't have...it's not a dire need. He could wait for a little while.

Assistant City Attorney DeLucio: Oh, I don't...I don't think we said that.

Councilwoman Mosby: I...

Assistant City Attorney DeLucio: I think what we said was...

Councilwoman Robinson: I thought...

President Adams: Well wait a minute.

Councilman Weaver: Is Friday a payday?

President Adams: I asked a very precise question; I'd like a precise answer.

Councilwoman Mosby: I want our people to get paid. I want our public safety to get paid. I want our...

Councilwoman Robinson: He said he could...didn't you say you could make payroll?

Councilman Weaver: This Friday? Is it this Friday?

City Controller Lloyd: We have, on the 25th, the public safety; police and fire payroll's about 1.7 million.

Councilwoman Mosby: 1.7 million?

City Controller Lloyd: Yeah.

Councilwoman Robinson: And you can't make that?

City Controller Lloyd: No, we can we make but everybody else...

Councilwoman Mosby: But what will you have to do?

City Controller Lloyd: We will have to budget and vendors that are making claims on the City will not be paid.

President Adams: Do me a favor; could you answer my question?

Speaking Simultaneously

Councilwoman Mosby: So we won't pay our bills.

President Adams: The question I asked, do you want to do the routine...

Assistant City Attorney DeLucio: I think...

President Adams: Do you want to do it in a routine fashion or would you like this august body to come back in a week and give us time to digest what we've been talking about tonight. Can you do that? Come back in an emergency meeting and we can...

City Controller Lloyd: We can if that's the Council's desire.

Councilman Friend: *(Off Mic)* You got a motion out there for that, don't you?

Councilman O'Daniel: Well I'd prefer to come back in two weeks but...

President Adams: Well I'd like to go...

Councilwoman Mosby: I prefer to do whatever that's going to help our City employees.

Councilman O'Daniel: I know, I know.

President Adams: Part of this...part of this...

Unidentified Speaker: We'll give you 10 of 'em.

President Adams: Part of this is the brand new system. This is the first time you've come to us with this thing...

City Controller Lloyd: Right.

President Adams:...and I think it was not done as diplomatically as you could have but for what it's worth, and we can talk about what was said and what wasn't said and so forth and so on, so if we're breaking new ground, and I have no desire to withhold funds so that you can't pay your payroll whatsoever, but I do see little tiny ordinance as a nightingale in the coal mine. If you have to come to us twice a year and say, "We're coming earlier and we need more money", we're in trouble. But you...in a concept, you guys like transparency, you ran on that issue; if you can come back and say, "We don't need as much money as we did the last six months and we're coming in later in the process that looks great. So I would like to keep the process intact and this first maelstrom we're going through, I'd like to, for what it's worth, we have not got...we haven't hammered out a process. I would like to make a motion that we come back in one week and discuss this again.

City Controller Lloyd: In two weeks.

Assistant City Attorney DeLucio: We can...

Councilman O'Daniel: Two weeks.

Assistant City Attorney DeLucio: There's no sense, I mean coming back...

President Adams: I can't hear you.

Assistant City Attorney DeLucio:...for a special meeting and for everybody to come back down. We can come back in two weeks but, you know...

President Adams: Now wait a minute.

Multiple Speakers: *Speaking Simultaneously (Inaudible)*

President Adams: Time out. You're saying *(Inaudible)*

Assistant City Attorney DeLucio: This is the same issue, the same...

President Adams: Time out. You're saying it's okay to come back in two weeks rather than one week?

Assistant City Attorney DeLucio: We can...we can do it two weeks.

Councilman O'Daniel: But here's...and just...this is just talking points...

Assistant City Attorney DeLucio: What we don't want to do is come back and say, "Gee, we only had a week to think about this because we're trying to get..."

President Adams: Hell with that!

Multiple Speakers: *Speaking Simultaneously (Inaudible)*

President Adams: Heck of a lot better than three days.

Councilman O'Daniel: The things I'd like to see, I think...

Councilman Weaver: I don't want to sit here for another hour in two weeks and talk about this *(Inaudible)*.

Councilwoman Robinson: Ms. Robinson indicated she'd like to know where the 52 million is, what is available to be spent and from, you know, what source, what the actual cash balance, you know, in real time not July 31st or anything of that nature, what the investments are, and what can be liquidated and what can't. Some may be longer terms; some maybe in the Hoosier Fund which is day to day. So I mean those are things that obviously we'd like to see...

Councilman Friend: Yeah.

Councilman O'Daniel:...and quest...and really the number of encumbrances and who needs to be paid. I mean...

Councilman Friend: Right.

Councilman O'Daniel:...we'd like to see all these things so we get a true sense of what the need is going to be because if, you know, I mean I don't...

Assistant City Attorney DeLucio: Again, the true sen...the true sense is what we were asking for; it was the eight million dollars...

Councilman O'Daniel: That we're going to be eight million dollars short.

Assistant City Attorney DeLucio: Over the...over the two month period that will be replenished in November and December. I don't know...that's probably not going to change in two weeks.

Councilman Friend: But what I like to see...

Councilwoman Robinson: What's our account payables? How much the accounts... what's the account payables? Do you know now?

City Controller Lloyd: I don't have that. I can get it.

Councilman Friend: Yeah, Russ what I like to is your 4B analysis by fund because I like to see where we're going to be with these funds.

City Controller Lloyd: I mean those for 2015, those were posted on Gateway.

Councilman Friend: On Gateway? Okay so why don't you make those available to us? Okay, get those out to us. Have we got our form 1782? When's our last 1782 form came out?

City Controller Lloyd: That was in February.

Councilman Friend: Can you make that available to us as well, 782?

City Controller Lloyd: Yeah, I'm just making a list here.

President Adams: So if I read this correctly it's okay with you for us to come back in two weeks to get a final judgement on this and I'm saying right up here...

Unidentified Speaker: It'll be a long night.

Councilwoman Robinson: *(Off Mic)* I would feel more comfortable...

Councilman Weaver: Yes.

Councilwoman Robinson: *(Off Mic)*...coming back next Monday if there's a, you know, I get from their impression that it's a sense of urgency.

President Adams: I'm willing to come back.

Councilwoman Robinson: But then they tell that, you know, two weeks. I mean I don't anybody thinking we're the bad guys waiting for two weeks.

Assistant City Attorney DeLucio: It's...you've heard Russ Lloyd tell you that we can make payroll, which we were concerned about. We didn't know it was going to be kind of a firestorm to come in ask to move money from basically our savings accounts to our checking accounts.

President Adams: This isn't a firestorm, sir, this is just healthy discussion about the finance of the City.

Assistant City Attorney DeLucio: Oh yeah, I got it but it feels like a firestorm if you're sitting here.

President Adams: Well I mean, put on an asbestos vest.

Assistant City Attorney DeLucio: So we didn't realize that or we didn't think it was...it was something that had been done in all prior administrations.

President Adams: But not openly and transparently. This is a new system.

Assistant City Attorney DeLucio: Well it was...

President Adams: And I agree; there are wrinkles in the system that we're trying to iron out together.

City Council Attorney Danks: Mr. DeLucio...

Speaking Simultaneously

City Controller Lloyd: If the accounts ordinance...if you didn't...if the accounts ordinance hadn't have been passed we wouldn't be doing this.

President Adams: Yeah.

Councilman O'Daniel: Of course not.

City Council Attorney Danks: I think the point is is that maybe this should have been filed two weeks ago so that all these questions could have been answered but to come in within a few days and say, "Hey, we need eight million dollars transferred", I...they're responsible here and they need these questions answered and, you know, my concern is is that if you, you know, if you insisted on a vote tonight you might...it might not pass and so the Council's willing to call a special meeting to come back sooner than two weeks.

Assistant City Attorney DeLucio: Yeah, we're willing...we're willing to come back in two weeks at your regularly scheduled meeting. We don't want to inconvenience anyone so...

Councilman Friend: You know, if I may make a comment, just a comment, in cities that I've gone out and reviewed their financial data such as Indianapolis, Fort Wayne, and South Bend all on (*Inaudible*). That's the accrual method of accounting. It makes it easy

when really see what your obligations are. It's just not a cash in/cash out deal. For instance, nobody in this room knows that we have, and you know this Russ, we got a 234 million dollar unfunded post-retiree health benefit that nobody in this room even knows about. And that, under...under the *(Inaudible)* method, that's going to have to be booked. That gets eyeballs *(Inaudible)* and we know that that is a big number.

President Adams: Okay John, but that's not the issue. It is *(Inaudible)*.

Councilman Friend: It is an issue.

President Adams: It is worrisome...it is worrisome but...

Councilman Friend: Yes.

President Adams:...but right now we're trying to figure out when to meet again. So you're going to come back in two weeks?

Assistant City Attorney DeLucio: Yes, sir.

President Adams: Right, and you'll provide all the information to the finance people and myself and everybody here. Send it to all of the Council.

Multiple Speakers: *Speaking Simultaneously (Inaudible)*

Assistant City Attorney DeLucio: Send it all Council.

Councilman O'Daniel: Send to Council *(Inaudible)*.

President Adams: Okay, so we're...for tonight we're just going to table it until...for two weeks.

Councilwoman Robinson: *(Off Mic)* We vote on the budget in two weeks in two weeks.

City Controller Lloyd: It'll be a long...be another long meeting.
Speaking Simultaneously

President Adams: Well, we're not sure we're going to vote on the budget in two weeks because we haven't heard back from the Administration.

Councilman O'Daniel: We haven't heard back from the Administration yet.

Councilwoman Robinson: Okay, I won't be here on the 28th.

City Controller Lloyd: We've got...we've got to finish the summary sheets and we'll get those to you but we've got good progress on the General Fund. I think we've got to where you're wanting. And Riverboat and LIT is going to fall short but you'll see.

Councilman O'Daniel: I gave you my number.

President Adams: Okay.

MISCELLANEOUS BUSINESS

The next meeting of the...

Councilman O'Daniel: Oh, I'll withdraw my motion then. Okay, just table that for two weeks.

President Adams: Okay, great.

Councilman O'Daniel: Just table it for two weeks.

President Adams: I'll withdraw mine too.

Yes sir, thank you.

Bill Frost: My name is Bill Frost; I live at 3700 Graff Road and ladies and gentlemen, I wouldn't have you guys' job for nothing in the world but you're doing a great job I mean for all the things. I always...I just like to have fun so my thing is is on September the 27th the City of Evansville is going to have a City of Evansville Day at Bush Stadium again. This is our fourth year so I hope you all can...all the Council can come to the game and enjoy the game. You get to see a great game, you get a free hotdog and a drink and you get a voucher for a game for next year for \$30.00. So it's a great deal, it's a great family deal...

Speaking Simultaneously

Councilman O'Daniel: So get tickets where?

President Adams: Thank you.

Bill Frost:...and we always...we're having a great time with it and hope you all can come and enjoy a great game and don't worry about if you're...if you're Cardinal fans don't worry about it because the Cardinals are going to be in the World Series even though they can't beat Cincinnati three out of four and Cincinnati's in last place. But don't worry about it; the Cardinals are still going to be in the World Series in October so...

President Adams: Thank you sir.

Councilman O'Daniel: They'll get tickets where?

President Adams: Thank you very sir.

Bill Frost: Thank you very much and...pardon me?

Councilman O'Daniel: And the tickets can be gotten where?

Bill Frost: Banterra Bank on...at Cross Pointe is the only place and I think the guy told me yesterday we only got 60 left.

President Adams: Great.

Bill Frost: So...and we had 1500.

President Adams: Sounds like a success.

Councilman O'Daniel: Wow.

Bill Frost: So we always have a good time over there; people really enjoy it. They put us...they put City of Evansville on the big scoreboard and they announce it on the field and last year the USI baseball team won the national championship; the whole team got to go down on the field and be recognized as the whole team last year.

President Adams: Great, thank you, sir.

Bill Frost: So thank you very much.

President Adams: What?

Unidentified Speaker: *(Off Mic) (Inaudible)*

President Adams: I can't hear you.

Unidentified Speaker: *(Off Mic) (Inaudible)*

President Adams: I won't.

Yes, join us if you could. Actually, this is a fun job.

Charlene Braker: Charlene Braker, 1700 E. Blackford and Berniece is going to join me in this.

I'm not going to ask any questions of the Council. We just...and oh, I did want to make the statement that the tire issue. When I think of tire shops I think of Reis's tires and Reis's. I don't always think of the bad tire shops so thank you for passing that. I mean it could be some...everybody had to start small.

President Adams: Yeah, but the incidence of failure small is really high.

Charlene Braker: Yeah, yeah I realize that, yes. I'm just hopeful.

President Adams: Yeah, go head please. Say your piece.

Charlene Braker: I think that the reason we're here is we...on the way home after the last Council meeting realized that we really missed an opportunity and we wanted to thank you, Dr. Adams, for giving people the opportunity to speak. I mean it's been...sometimes the questions are repetitious. Sometimes the answers are so obvious but you never shut people down and we, as a community, want to thank you for that because this is our last stand many times, as we saw tonight. So I just wanted to say thank you.

President Adams: Thank you ma'am. Berniece?

Berniece Tirmenstein: Berniece Tirmenstein, 1636 E. Blackford Avenue.

I too want to thank you, Dr. Adams, for making the comment that there would always be freedom of speech in this chamber and I recall back in June 13, 2011 I spoke before the Council, admonishing some members of City Council, not all, for being a puppet for the present administration then. B.J. Watts, then president of the City Council said, "There will be no political statements", and I was not permitted to say anything more. I felt that was a violation of my freedom of speech. So thank you, Dr. Adams.

President Adams: Well I think this entire council supports that philosophy. I really do.

Berniece Tirmenstein: Good, thank you all.

President Adams: Yeah, okay.

MISCELLANEOUS BUSINESS

The next meeting of the Common Council will be Monday, September...

Councilwoman Robinson: *(Off Mic)* You have someone else.

President Adams: Yeah, but we're supposed to go this way first, okay? We're supposed to say this first. Okay.

The next meeting of the Common Council will be Monday, September 28, 2015 at 5:30 p.m. Committee meetings will begin at 5:00 p.m.

And now, we have Gordon Dingman. Please, tell us about this swimming pool?

Gordon Dingman: *(Inaudible)* No, was under the impression that we're going to be voting on closing the polls, or pools and that, again. And if you are, I'd like for you to take and come and tell the hundred and some kids that take and show up at Helfrich Pool and that and take and tell 'em why you're closing the pool.

President Adams: Fair enough.

Okay, George Lumley.

Is that it?

George Lumley: I'm George Lumley. I live at 1016 Brookline Drive in Evansville.

President Adams: Can you keep this to about three to five minutes though George?

George Lumley: Sure. And I'm concerned about the expenditures from Riverboat funds under the appropriations for residential demolitions and it concerns me that you're considering gifting 1.5 million out of the Riverboat fund to fund the expansion of the Brownfields land banking. I know Councilman O'Daniel spoke pro land banking earlier and I know that the Garfield's Commons presentation that they gave earlier, that they're trying to fund, had land banked property for several years on Garfield. They finally cleared it off but it's some of those agencies even that are land banking property and keeping structures from being torn down because we don't have the money to tear the structures down. So I've been slowly getting information on the Brownfields, who they want to make the land bank...enlarge it, and it appears that they're running an off-books extra-curricular of the DMD. It appears that they've entered the real estate business and utilized City funds to pay expenses but keeps revenues for special interests, or perks, like an automobile for DMD employees. I question giving them 1.5 million out of the Riverboat fund.

I've been trying for months to get records on why our Riverboat appropriations for residential demolition is resulting in so few demolitions. Although I've not been given the simple account activity, I was allowed last week to access some of the expenditures documenting...chart documentation charged to the Riverboat Residential Fund. Here's a

few of 'em for reference: We've got Morley Associates providing inspection at the Helfrich neighborhood swimming pool for \$536.00. We've got Alstadt Plumbing Services for putting in a water service; no explanation given, no demolition in the area. If we had damage it would...demolition...our contractors would have had insurance, but that's \$1,275.00. We've got Morley Associates again for inspection of a collapsed commercial building, 1500 N. Heidelberg, the Flea Market building, for \$2,017.00. We've got Klenk Company for the fence at the Owen's Block; not a residential demolition, \$2,275.00. We've got Tri-State Fence Company for fencing at Miller Plating; that's not a residential demolition; \$4,620.00. We've got Klenk Company, for one day, at the Flea Market on Heidelberg to put up a fence; that's not a commercial demolition...or a residential demolition rather; \$15,882.00 for the day.

There's lots of charges every month that are just normal City operating charges of hauling the trash off; R&R Hauling, that should be out of DMD where they charge people and put it on their taxes and, you know, \$240.00 at a time doesn't add up to very much but for the month of August, there is a bill here for \$10,397.00 so if you've got that hitting it every month...course I'm sure the City gets reimbursed some of this but it doesn't go to Riverboat fund; it goes into operating fund. That's creative accounting.

One of the other creative things that I found is we had a federal grant that was supposed to demolition houses, and these are residential houses, but it was supposed to demolish residential houses in the flood plain. I haven't been able to see the actual grant, or the accounting for it, but the newspaper said it was paid 100% by the federal government. But within the Riverboat fund we've got about \$15,000.00 of charges for that grant. Now if you're not charging that grant but you're charging Riverboat fund, I think that's one way that the Kelley Coures can find all this extra money.

So I think that even though this maybe micromanagement, when we're only appropriating \$500,000 for demolition and we're spending over \$200,000 on all these operating expenses that add up and they're charged to that appropriation, I think something's wrong and I think it needs to be fixed.

Thank you.

President Adams: Thank you. Any other comments?

Councilwoman Robinson: Look, I got a question. I'm a member of Brownfields. Who has a car? I need a new one.

George Lumley: I don't know what kind of perks they have exactly but I was under the...rumor has it that they provide perks like cars.

Councilwoman Robinson: Well that's just a rumor then. Okay, thanks because I don't know who has a car on the board provided by Brownfield.

George Lumley: I'll find out...

Councilwoman Robinson: Please do because...

George Lumley:...and report...and report back to you.

Councilwoman Robinson: Yeah, because I guess I've been discriminated against because I didn't get one.

Councilman Weaver: Just a rumor.

George Lumley: Well I didn't...I was told it a DMD perks, not that the Brownfield board-members are getting perks.

Councilman Weaver: I don't anybody at the DMD that has a car.

President Adams: Okay, any other people from a...the poor stragglers that are still here at 9:00, or almost 9:00.

Okay, Committee Reports.

COMMITTEE MEETING SCHEDULE FOR SEPTEMBER 28, 2015

FINANCE COMMITTEE:

Re: **Ordinance G-2015-24**

Time: 5:00 p.m.

Notify: Russ Lloyd

CHAIRMAN CONOR O'DANIEL

Fixing the Salaries of Every Appointive Officer, Employee, Deputy, Assistant, Departmental and Institutional Head of the City of Evansville - Vanderburgh County Levee Authority for the Year 2016 and Establishing Salary Administration Procedures

Re: **Ordinance G-2015-26**

Time: 5:00 p.m.

Notify: Scott Danks

Amending Section 3.35.040 of the Evansville Municipal Code (Housing Trust Fund)

Re: **Ordinance G-2015-27**

Time: 5:05 p.m.

Notify: Scott Danks

Amending Section 2.80 of the Evansville Municipal Code (Greenway Advisory Board)

Re: **Ordinance F-2015-13**
Time: 5:05 p.m.
Notify: Russ Lloyd

Authorizing Transfers of Appropriations,
Additional Appropriations and Repeal and Re-
Appropriation of Funds for Various City Funds

Re: **Ordinance F-2015-16**
Time: 5:10 p.m.
Notify: Russ Lloyd

Fixing the Salaries of Elected Officials for the
City of Evansville, Indiana for the Year 2016

Re: **Ordinance F-2015-17**
Time: 5:15 p.m.
Notify: Russ Lloyd

Appropriating Monies for the Purpose of
Defraying the Expenditures of Departments of
City Government for the Fiscal Year Beginning
January 1, 2016

Re: **Ordinance F-2015-18**
Time: 5:15 p.m.
Notify: Russ Lloyd

Appropriating Monies for the Purpose of
Defraying the Expenditures of the Evansville -
Vanderburgh Levee Authority District for the
Fiscal Year Beginning January 1, 2016

Re: **Ordinance F-2015-19**
Time: 5:20 p.m.
Notify: Russ Lloyd

Approving and Adopting the 2016 Budget for
the Port Authority of Evansville

Councilman O'Daniel: That will all be heard on the 28th along with the resolution that we discussed.

Speaking Simultaneously

Unidentified Speaker: *(Off Mic) (Inaudible)*

President Adams: Sir? Sir, would you put your phone away? Go ahead.

Councilwoman Robinson: Poor guy.

Councilman O'Daniel: Along with the resolution that we discussed earlier with regards to the transferring of funds, but I think that's probably going to come up later.

A.S.D. COMMITTEE

Re: **Ordinance G-2015-25**
Time: 5:25 p.m.
Notify: Scott Danks.

CHAIRWOMAN STEPHANIE BRINKERHOFF-RILEY

Amending Section 6.05.040 of the Evansville
Municipal Code (Animal Control)

Re: **Ordinance G-2015-28**
Time: 5:25 p.m.

Amending Section 9.10.020 of the Evansville
Municipal Code (Fireworks)

Councilman Friend: Let me ask one...what about the ordinance of...G...it was postponed tonight, G-2015-22? We going to hear that?

Councilwoman Brinkerhoff-Riley: No, we pushed it to October 12th just because of the volume if 28...of September 28th because the...it's going to be such a long night.

PUBLIC WORKS COMMITTEE: CHAIRMAN AL LINDSEY

I will do my part. There is no meeting scheduled at this time.

Speaking Simultaneously

Councilwoman Brinkerhoff-Riley: Yeah, we probably won't get paid on the 25th.

ADJOURNMENT

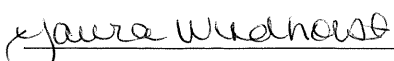
President Adams: Okay, is there a motion to adjourn?

Councilman O'Daniel: Yes.

Councilwoman Mosby: Second.

President Adams: So be it.

Meeting adjourned at 8:55 p.m.



Laura Windhorst, City Clerk



H. Dan Adams, President